

VERBATIM ¹RECORD OF TRIAL ²

(and accompanying papers)

of

MANNING, Bradley E.

(Name: Last, First, Middle Initial)

[REDACTED]

(Social Security Number)

PFC/E-3

(Rank)

Headquarters and

Headquarters Company,

United States Army Garrison

(Unit/Command Name)

U.S. Army

(Branch of Service)

Fort Myer, VA 22211

(Station or Ship)

By

GENERALCOURT-MARTIAL

Convened by

Commander

(Title of Convening Authority)

UNITED STATES ARMY MILITARY DISTRICT OF WASHINGTON

(Unit/Command of Convening Authority)

Tried at

Fort Meade, MD

(Place or Places of Trial)

on

see below

(Date or Dates of Trial)

Date or Dates of Trial:

23 February 2012, 15-16 March 2012, 24-26 April 2012, 6-8 June 2012, 25 June 2012, 16-19 July 2012, 28-30 August 2012, 2 October 2012, 12 October 2012, 17-18 October 2012, 7-8 November 2012, 27 November - 2 December 2012, 5-7 December 2012, 10-11 December 2012, 8-9 January 2013, 16 January 2013, 26 February - 1 March 2013, 8 March 2013, 10 April 2013, 7-8 May 2013, 21 May 2013, 3-5 June 2013, 10-12 June 2013, 17-18 June 2013, 25-28 June 2013, 1-2 July 2013, 8-10 July 2013, 15 July 2013, 18-19 July 2013, 25-26 July 2013, 28 July - 2 August 2013, 5-9 August 2013, 12-14 August 2013, 16 August 2013, and 19-21 August 2013.

¹ Insert "verbatim" or "summarized" as appropriate. (This form will be used by the Army and Navy for verbatim records of trial only.)

² See inside back cover for instructions as to preparation and arrangement.

1 Q. And is this request for an examination, is it a formal
2 document?

3 A. Yes, sir. We have a standard group of information that we
4 need.

5 Q. And when you receive -- when you conduct an examination,
6 how long does an examination typically take?

7 A. It can range anywhere from a day or two, to months or even
8 years.

9 Q. You said years?

10 A. Yes, sir.

11 Q. Why the variance between how much time something would
12 take?

13 A. We have wide swaths of number one what we're looking for,
14 detail of how in depth we need to get into, but also simply the sheer
15 volume. Our disk drives are massive today. We have exams that could
16 range in the multi terabytes, which simply takes a long time. It's
17 not like you see on TV.

18 Q. Once you're done with an examination, what do you do?

19 A. We generate a report.

20 Q. Where is that report sent?

21 A. Ultimately after it's reviewed by a number of people it
22 will end up back to the case agent.

1 Q. And is this always -- is it a formal report, informal
2 report?

3 A. Either or.

4 Q. Why either or?

5 A. It depends on the scope of what was needed. Sometimes if
6 it's a quick and dirty examination and there's not likely to be any
7 further investigative requirements. We may do an AIR type format;
8 however, in this situation or when it's likely to be adjudicated
9 we'll do a formal forensic report.

10 Q. You say AIR, what is that?

11 A. That is a CID format of an examination -- investigative
12 report. It's more of a memo type arrangement.

13 Q. And in the report generating process does anyone review
14 your work for accuracy?

15 A. Yes, sir.

16 Q. How does that review process work?

17 A. We have a peer review process where we will have one or
18 more other examiners in our office review the report and any
19 foundation behind it to make sure that we've covered everything, that
20 the findings are accurate and the like. Following that it will go
21 through one or more levels of supervisory review. We'll do the same
22 thing.

1 Q. And when you are assigned a piece of digital media as part
2 of a request from a case agent, SAC, do you work on the media alone?
3 A. No, sir. Not always.
4 Q. Can you explain that, please?
5 A. In some cases, where it's a real simple one, where it's a
6 single hard drive, we may do it ourselves, but in many cases we use a
7 collaborative process, we'll split the case up, just like your teams
8 split up the case when it gets complicated into different tasks.
9 We'll do the same thing.
10 Q. So, if you're splitting up like the exam of one piece of
11 digital media, how does that work? Are you all working off the same
12 image?
13 A. If it's the same piece of evidence, yes, sir, we'd work off
14 the same copy.
15 Q. And you said it was collaborative. Can you explain that
16 please? How was the office at the DFRB?
17 A. We have relatively small offices. In this particular case
18 the office was only about the size of a closet. We actually sat
19 right next to each other, so we actually can talk back and forth
20 amongst ourselves.
21 ATC[CPT MORROW]: Just one moment.

1 Q. Mr. Johnson, in your involvement in this case. Did you
2 examine any digital media associated with the investigation against
3 PFC Manning?

4 A. Yes, sir.

5 Q. What did you examine?

6 A. Forensic evidence from a MAC Book Pro hard drive and an
7 external drive.

8 Q. I don't know if the judge heard you. What did you say?

9 A. I had a forensic image of a MAC Book Pro hard drive,
10 external hard drive.

11 Q. A MAC Book Pro harddrive, what is a MAC Book Pro?

12 A. It's an Apple product for a laptop.

13 Q. Let's start with the external hard disk drive. First, what
14 is an external drive or a hard disk drive?

15 A. External drive is an externally connected piece of storage
16 media. They come in all shapes and sizes. In this case it's a
17 container that contained an internal hard drive that was in turn
18 connected to a computer with a USB.

19 Q. And did you examine the actual external drive collected in
20 this case?

21 A. No, sir.

22 Q. What did you examine?

1 A. We examined a forensic image obtained when it was collected
2 by the collecting agent, Agent Calder Robertson.

3 Q. Is that the acquiring agent?

4 A. Yes, sir.

5 Q. And to your knowledge, where was this item collected?

6 A. PFC Manning's housing unit in FOB Hammer.

7 Q. And who asked you to examine the image of the external hard
8 drive?

9 A. I don't recall specifically who assigned that particular
10 piece of media, but ultimately it came from the original case agent,
11 Agent Graham.

12 Q. And let's talk about your process of examining the external
13 hard drive. What did you do first?

14 A. We checked out the evidence from our evidence lockup,
15 brought it back to our examination station, made a working copy; that
16 is, simply copying to our examination work station. We then loaded
17 it into our primary forensic tool, EnCase in this case, and validate
18 the image's hash.

19 Q. Why do you validate the image's hash?

20 A. We want to make sure that the evidence file matches the way
21 it was originally collected in the field. The EnCase will calculate
22 the hash during my examination, come up with a mathematical value.
23 We'll compare that with the value that's embedded in the image file

1 itself, the E01 format. I also compare that with the value that was
2 recorded on the evidence collection documentation file from Agent
3 Robertson.

4 Q. So were there any verification issues with the hash value
5 for the external hard drive when you examined it?

6 A. No, sir.

7 Q. During your examination of the image of the external hard
8 drive, did you find anything of interest to this investigation?

9 A. We did. We found three pieces of information that we found
10 that might be related.

11 Q. And what were those pieces of information?

12 A. We found a text file; we found a PowerPoint presentation
13 and a video.

14 Q. Let's start with the text file. Where was this text file
15 located on the external hard drive?

16 A. It was stored in the normal allocated file system.

17 Q. And when you reviewed the information in EnCase, were you
18 able to determine when the file was created?

19 A. Yes, sir.

20 Q. How would you determine when the file was created?

21 A. The file system meta data contains file creation dates and
22 times.

23 Q. And what is meta data for the Court?

1 A. Meta data is data about data. In this case the file -- the
2 information about the file itself.

3 Q. And how does EnCase -- how does EnCase show you the Meta
4 data essentially, if you just could explain that, please?

5 A. EnCase in this situation will show it to me in a nice
6 spreadsheet like format, nice grid.

7 Q. And do you recall when this text file was created?

8 A. My recollection was 29 November of 2009.

9 Q. When you found this text file, did you review the contents
10 of the text file?

11 A. I did.

12 ATC[CPT MORROW]: I'm retrieving what has been marked as
13 Prosecution Exhibit 24 for Identification [retrieving PE 24 for ID
14 from the court reporter].

15 I'm handing to the witness what has been marked as
16 Prosecution Exhibit 24 for Identification [handing PE 24 for ID to
17 the witness].

18 **Questions continued by the assistant trial counsel [CPT MORROW]:**

19 Q. Mr. Johnson, do you recognize this document?

20 A. I do.

21 Q. And what is it?

22 A. This is the contents of the text file, WL-press.txt.

1 Q. And does this document accurately depict the content of the
2 text file you found on the internal or the external hard disk drive?

3 A. It does.

4 Q. And if you printed this text file as you found it on the
5 external hard disk drive, is this how it would appear?

6 A. Yes.

7 Q. Again, where was this file found?

8 A. It was in the allocated file system.

9 ATC[CPT MORROW]: Your Honor, at this time the prosecution moves
10 to admit Prosecution Exhibit 24 for Identification into evidence as
11 Prosecution Exhibit 24.

12 ADC[CPT TOOMAN]: No objection, Your Honor.

13 MJ: Prosecution Exhibit 24 for Identification is admitted. May
14 I see it, please?

15 [PE 24 for ID was handed to the military judge.]

16 **Questions continued by the assistant trial counsel [CPT MORROW]:**

17 Q. Mr. Johnson, you said you also found a PowerPoint brief; is
18 that correct?

19 A. That's correct.

20 Q. And where was this PowerPoint brief located?

21 A. It was also on the allocated file system.

22 Q. And do you recall the name of that -- the name of the file?

1 A. Not specifically. I believe it was "OPSEC" something. It
2 was an ODT file -- ODP file.

3 Q. What's an ODP file?

4 A. It's an open office presentation, similar to PowerPoint.

5 Q. So it's like the free ----

6 A. Correct.

7 Q. ---- free version of PowerPoint.

8 ATC[CPT MORROW]: Your Honor, I'm handing the -- I'm retrieving
9 what's been marked as Prosecution Exhibit 25 [retrieving PE 25 for ID
10 from the court reporter].

11 I'm handing the witness what has been marked as Prosecution
12 Exhibit 25 for Identification, before that I'm handing it to Captain
13 Tooman.

14 [PE 25 for ID was reviewed by CPT Tooman.]

15 ATC[CPT MORROW]: I'm handing the witness what has been marked
16 as Prosecution Exhibit 25 for Identification [handing PE 25 for ID to
17 the witness].

18 I'm retrieving Prosecution Exhibit 24 and handing it back
19 to the court reporter [returning PE 24 to the court reporter].

20 **Questions continued by the assistant trial counsel [CPT MORROW]:**

21 Q. Mr. Johnson, do you recognize this document?

22 A. I do.

23 Q. What is it?

1 A. It is the PowerPoint presentation as it would have been
2 printed -- excuse me, the open office presentation as it would have
3 been printed.

4 Q. And again open office presentation -- what's open office
5 presentation?

6 A. Open office is the open source version that would be a
7 PowerPoint clone.

8 Q. And is this document an accurate representation of the
9 OPSEC brief you were just referring to if it was in printed form?

10 A. It appears to be, yes, sir.

11 ATC[CPT MORROW]: I'm retrieving what has been marked as
12 Prosecution Exhibit 25 for Identification [retrieving PE 25 for ID
13 and returning to the court reporter].

14 No further questions, Your Honor.

15 MJ: Cross-examination?

16 ADC[CPT TOOMAN]: Yes, Your Honor. If I could have just a
17 moment.

18 **CROSS-EXAMINATION**

19 **Questions by the assistant defense counsel [CPT TOOMAN]:**

20 Q. Good morning, Mr. Johnson.

21 A. Good morning.

22 Q. You spoke a little bit about the investigative process on
23 direct and the process of taking forensic images and what you do with

1 those. Would it be fair to say that when you take a forensic image
2 and you perform your investigation, you're going to document what you
3 find?

4 A. Yes, sir.

5 Q. And when you're doing your investigation, you're going to
6 have things that you're looking for?

7 A. Yes, sir.

8 Q. And when you're talking about a computer or a hard drive,
9 there are a lot of different types of information that you could have
10 on that particular media?

11 A. Yes, sir.

12 Q. You could have emails?

13 A. Yes, sir.

14 Q. You could have PowerPoint presentations?

15 A. Yes.

16 Q. You could have Word files or text files?

17 A. Yes, sir.

18 Q. And all of those are potentially valuable. They belong to,
19 in all likelihood, the person who owns that particular media?

20 A. Yes, sir.

21 Q. And in this particular case you were looking at all of
22 those sorts of things. You looked at everything on this particular
23 hard drive?

1 A. Yes, sir.

2 Q. And by this hard drive, I'm talking about the external hard
3 drive?

4 A. Yes, sir.

5 Q. With respect to this case, there were particular types of
6 thing that you were looking for. You were looking for -- you would
7 have been looking for anything that implicated WikiLeaks; is that
8 correct?

9 A. That is correct.

10 Q. And you found -- as you talked about on direct, you found
11 some contact information?

12 A. Yes, sir, what appears to be.

13 Q. You didn't find anything else on that hard drive that
14 implicated WikiLeaks?

15 A. I don't recall, sir. I don't believe so.

16 Q. Would you have noted that in your report?

17 A. Yes, sir.

18 Q. You would have also been looking for anything that would
19 have expressed a hatred of America on that hard drive?

20 A. We wouldn't have been looking specifically for it, but it
21 would have been noted as relevant.

22 Q. Okay. You would have looked at everything on the hard
23 drive?

1 A. Yes, sir.

2 Q. And if you would have seen that, you certainly would have
3 noted it?

4 A. Yes, sir.

5 Q. But you didn't note that on your report?

6 A. No, sir.

7 Q. Because you didn't find it?

8 A. I didn't find anything, sir.

9 Q. And you also would have noted if you found anything that
10 would have related to terrorism?

11 A. Yes, sir.

12 Q. If there was any sort of evidence that suggested that my
13 client was sympathetic with terrorists or wanted to support
14 terrorism, you would have noted that?

15 A. Yes, sir. Certainly.

16 Q. But you didn't note anything?

17 A. I did not discover anything of that nature.

18 Q. You also would have made note of anything that would have
19 shown a transfer of funds?

20 A. If I had discovered anything, yes.

21 Q. If you had found something that was -- seemed like a lot of
22 money for a PFC to have, you would have noted that?

23 A. Yes.

1 Q. And you didn't note that in this case?

2 A. I did not observe any of that information.

3 Q. Okay. And going back to -- actually, no further questions,
4 Your Honor.

5 MJ: Redirect?

6 ATC[CPT MORROW]: No, Your Honor.

7 MJ: Temporary or permanent excusal?

8 ATC[CPT MORROW]: Temporary.

9 **[The witness was duly warned, temporarily excused and withdrew from
10 the courtroom.]**

11 TC[MAJ FEIN]: Ma'am, the United States requests a 10-minute
12 recess.

13 MJ: All right. Any objection?

14 CDC[MR. COOMBS]: No objection, Your Honor.

15 MJ: Court is in recess until 20 minutes after 10:00.

16 **[The court-martial recessed at 1013, 4 June 2013.]**

17 **[The court-martial was called to order at 1025, 4 June 2013.]**

18 MJ: Court is called to order. All parties present when the
19 court last recessed are present in court.

20 Government, ready to proceed?

21 TC[MAJ FEIN]: Yes, ma'am. The United States offers on the
22 record a stipulation of fact.

23 MJ: For whom?

1 TC[MAJ FEIN]: Ma'am, for Special Agent Tony Edwards, PE 26.

2 MJ: You mean a stipulation of expected testimony?

3 TC[MAJ FEIN]: I'm sorry. Yes, Your Honor, a Stipulation of
4 Expected Testimony for Special Agent Antonio Edwards, dated 3 January
5 2013, Prosecution Exhibit 26.

6 It is hereby agreed by the Accused, Defense Counsel, and
7 Trial Counsel, that if Special Agent Antonio Edwards were present to
8 testify during the merits and pre-sentencing phases of this court-
9 martial, he would testify substantially as follows:

10 Since March of 2012, I have been employed as a Special
11 Agent of Homeland Security Investigations, Department of Homeland
12 Security in the Atlanta Field Office, empowered by law to investigate
13 and to make arrests for offenses involving the unlawful export of
14 goods and technology to destinations outside the United States. Prior
15 to working for HSI, from March 2008 to March 2012, I was employed as
16 an Special Agent with the United States Army Criminal Investigation
17 Command, USACIDC, Computer Crime Investigative Unit, CCIU, at Fort
18 Belvoir, Virginia. In this capacity, I was responsible for the
19 investigation of violations pertaining to computer intrusions and to
20 other types of malicious computer activity directed against the U.S.
21 Army, 18 U.S.C. Section 1030. As a USACIDC Special Agent, I was also
22 authorized to investigate crimes involving all violations of the
23 Uniform Code of Military Justice and other applicable federal and

1 state laws where there is a U.S. Army or Department of Defense
2 interest.

3 I have participated in and conducted investigations of
4 violations of United States laws and regulations pertaining to
5 computer intrusions and I have participated in the execution of
6 search warrants on individuals and companies.

7 Before working for USACIDC, from November 2007 to November 2008,
8 I was employed as an Special Agent with the Bureau of Industry and
9 Security (BIS), Office of Export Enforcement. And, from May 2003 to
10 October 2006, I was a Deputy Prosecutor for Morgan County, Indiana.
11 From August 2000 to August 2005, I served in the Monroe County,
12 Indiana Reserve Deputy Sheriff's Department as a Deputy Sheriff,
13 where I received training in evidence collection. Further, I am a
14 graduate of the Federal Law Enforcement Training Center's Criminal
15 Investigator Training Program, where I also received training in
16 evidence collection. In addition to being employed as a Special
17 Agent, I currently serve in the Inactive Ready Reserves (IRR) as a
18 Judge Advocate in the United States Army National Guard, District of
19 Columbia.

20 In 2003, I received a Juris Doctorate from Indiana
21 University and was subsequently admitted to the Indiana bar. I have
22 a Bachelor of Arts in Psychology from the University of North
23 Florida, and a Doctorate of Jurisprudence from Indiana University

1 Bloomington School of Law. I am currently licensed to practice law
2 in Indiana.

3 My experience as a State Law Enforcement Officer, a State
4 Prosecutor, and a Special Agent has included the investigation of
5 cases involving violent and non-violent crimes as well as the use of
6 computers. I have also received training and gained experience in:
7 interviewing and interrogation techniques, arrest procedure, crime
8 scene examination, evidence collection, search warrant applications,
9 the execution of searches and seizures, and other criminal laws and
10 procedures. Further, I have completed the Department of Defense
11 Cyber Investigations Training Academy courses: "Introduction to
12 Computer Hardware", "Computer Incident Responders Course", and
13 "Windows Forensic Examinations - EnCase". Together, this afforded me
14 certification as a Department of Defense "Certified Digital Media
15 Collector" and "Certified Digital Forensic Examiner".

16 I follow several general procedures when handling evidence.
17 I review the custody document and always ensure the description of
18 the evidence matches the evidence attached. I check, for example,
19 that recorded serial numbers, markings for identification, and
20 condition description match the associated evidence. I ensure that
21 the proper information, such as date and time, are properly and
22 accurately recorded. Lastly, I maintain secure custody of the
23 evidence prior to transferring it to another individual.

1 In this particular investigation, I assisted with witness
2 interviews and the handling of evidence. In so doing, I worked with
3 SA Charles Clapper and Mr. Garon Young. On 12 June 2010, I received
4 several pieces of electronic evidence related to this investigation
5 from the hands of Mr. Adrian Lamo and with his consent. On 12 June
6 2010, Mr. Adrian Lamo also gave signed consent to law enforcement
7 personnel on two separate CID Forms 87-R-E to search his electronic
8 devices for "all information in any form, pertaining to
9 communications which may be in the form of emails, instant messaging
10 chats, documents, data, computer code, log files, drawings,
11 photographs, or any other data; in encrypted, plain text, or any
12 other format; relating to Private First Class Bradley E. Manning
13 and/or the disclosure of classified information or information which
14 is the property of the U.S. Government."

15 The first piece of evidence collected and further handled
16 was a Lenovo Laptop computer with a Fujitsu computer hard drive,
17 serial number: K404T812MF4D, recorded as Item 1 on DA Form 4137
18 marked as document number, DN, 76-10, and known as "Lamo Ubuntu Hard
19 Drive". It was collected from Mr. Adrian Lamo in Sacramento,
20 California, on 12 June 2010. The second piece of evidence collected
21 and further handled was an HP Mini Brand computer, computer serial
22 number CNU90513VT with a Seagate computer hard drive, hard drive
23 serial number: 5RE2C1QK, recorded as Item 1 on DA Form 4137 marked

1 as document number, DN, 77-10, and known as "Lamo HP Hard Drive". It
2 was collected from Mr. Adrian Lamo in Carmichael, California on 12
3 June 2010.

4 Using the DA Form 4137, I properly released these pieces of
5 evidence to SA Clapper. On 14 June 2010, I properly regained
6 possession from SA Clapper before properly releasing them to the
7 Evidence Custodian, Mr. Garon Young, on 15 June 2010, which is
8 documented on a DA Form 4137.

9 While in possession of these items, I maintained control
10 over them, stored them properly, and allowed no one else access to
11 them. I did not alter the evidence in any way. I have no reason to
12 believe this evidence was damaged or contaminated in any way. After
13 releasing the evidence to Mr. Young, I had no further interaction
14 with the evidence.

15 Prosecution Exhibit 13 for Identification is the Lamo
16 Ubuntu hard drive, Item 1 of DN 76-10. Prosecution Exhibit 14 for
17 Identification is the Lamo HP Hard Drive, Item 1 of DN 77-10.

18 Excuse me, Your Honor.

19 Ma'am, the United States calls Mr. Adrian Lamo.

20 [END OF PAGE]

21

22

1 ADRIAN LAMO, Civilian, was called as a witness for the government,
2 was sworn and testified as follows:

3 DIRECT EXAMINATION

4 Questions by the trial counsel [MAJ FEIN]:

5 Q. And you are Mr. Adrian Lamo, previously from the Sacramento
6 area, California?

7 A. Yes, I am.

8 Q. Thank you, sir. Mr. Lamo, how do you know Private First
9 Class Manning?

10 A. From a series of conversations we had online in 2010.

11 Q. When did you first interact with Private First Class
12 Manning?

13 A. On or about May 20, 2010.

14 Q. And what was the form of that interaction?

15 A. Initially an encrypted email that I received from Private
16 Manning.

17 Q. And how did you know that email was from Private First
18 Class Manning?

19 A. Based on return address information common to all email.

20 Q. And what -- what do you mean by return address information?

21 A. Information indicating where it originated from, which
22 allows the recipient to reply.

23 Q. Can you explain to the judge -- is that an email address?

1 A. Yes, it is.

2 Q. And what was the email address?

3 A. Bradley.E.Manning@gmail.com and similar but different
4 address at a military network.

5 Q. So you received multiple emails from Private First Class
6 Manning?

7 A. Yes, I did.

8 Q. And so the first one you said was at gmail.com. Could you
9 explain to the Court what the second email you received -- what the
10 name was on the email?

11 A. I'm sorry. Which one were you referencing?

12 Q. The second one. The one you just mentioned about an Army
13 email address?

14 A. Yes, it had a string of letters and numbers that identified
15 a mountain company at a battalion I believe.

16 Q. And did it have Private First Class Manning's name at the
17 beginning of it as a user name?

18 A. Yes, his name was prepended as a user name.

19 Q. What happened after you received the initial email?

20 A. The initial one I initially disregarded due to a high
21 volume of email. After receiving several more, I wrote back
22 suggesting that the user should perhaps contact me via AOL instant
23 messenger to have a more direct chat.

1 Q. Was this email encrypted or not?

2 A. The one which I sent in reply was not to the best of my
3 recollection.

4 Q. Was the email that was sent to you encrypted?

5 A. Yes, it was.

6 Q. And could you explain to the Court what that means?

7 A. Encryption encodes the email to a particular user or rather
8 to a particular user's cypher so that only that intended recipient is
9 supposed to be able to read it.

10 Q. What is a cypher?

11 A. In this case public key.

12 Q. What do you mean by public key?

13 A. Series of codes which instruct the computer how to encrypt
14 the message in such a way that the recipient will be able to decrypt
15 it.

16 Q. Were you able to read the initial email from PFC Manning?

17 A. I was not.

18 Q. Why not?

19 A. He had specified an incorrect cypher, one which I formerly
20 used but had fallen out of use.

21 Q. How does one find this cypher, this code?

22 A. There are public servers called key servers which contain
23 collections of keys so users can find themselves more easily.

1 Q. And when did you then realize when you started chatting
2 this was Private First Class Manning?

3 A. There was a particular point in our interactions where
4 Private Manning mentioned his name was Brad and I with a certain
5 amount of surprise replied, "Oh, I'm an idiot. You are that guy from
6 the emails."

7 Q. And how did you chat with Private First Class Manning?

8 A. Via a service operated by America Online called AOL Instant
9 Messenger and through a free third party program using that service.

10 Q. So what program did you use?

11 A. Pidgin. P-I-D-G-I-N.

12 Q. Could you explain briefly -- so the network you used was
13 American Online Instant Messaging?

14 A. America Online, yes.

15 Q. You did not use American Online Instant Messaging program?

16 A. No. There were numerous chat clients that support the
17 service but are not made by America Online themselves.

18 Q. Were these chats encrypted?

19 A. Yes, they were.

20 Q. What does that mean?

21 A. That to a third party intercepting them on the wire, they
22 would presumably be unreadable, but the intended recipients would be
23 able to receive them.

1 Q. Mr. Lamo, you seem to know more than the common person
2 about computers. What is your experience with computers and
3 networks?

4 A. I have experience in penetration testing, that is auditing
5 the security of computers networks conducting review of open source
6 intelligence related to security, and finding ways to bypass and
7 improve security.

8 Q. And in that -- how many years of experience in those fields
9 do you have?

10 A. More than 15.

11 Q. In those 15 years have you been arrested?

12 A. Yes, I have.

13 Q. Have you been arrested based on activities related to that
14 field?

15 A. Yes, I have.

16 Q. And what for?

17 A. For unlawful access to computer networks at the New York
18 Times Company, Microsoft and Lexus Nexus.

19 Q. When did this occur?

20 A. The course of conduct took place in 2002. The arrest took
21 place in 2003, and the conviction in 2004.

22 Q. So you were convicted?

23 A. Yes, I was. I pled guilty.

1 Q. Did you confess to those crimes when you pled guilty?

2 A. Yes, I did.

3 Q. Going back, Mr. Lamo, when did you first start chatting on
4 American Online Instant Messaging with Private First Class Manning?

5 A. On or about May 20th, 2010.

6 Q. How did you know once the chat started that it was, in
7 fact, Private First Class Manning?

8 A. During the course of the chats, I suggested to the user
9 that perhaps we could connect on Facebook. Once we did connect on
10 Facebook, a social networking site where users can browse
11 information, about one another, I ascertained that the name of the
12 user was the same name as the sender of the emails which I previously
13 received.

14 Q. Is this something you do for most individuals that you chat
15 with?

16 A. Yes. Facebook is a very popular social network through
17 which many people connect.

18 Q. And what were your conclusions based off of your analysis
19 of Facebook and comparing that to the chats?

20 A. Based on the user description of themselves, both in the
21 chats and on Facebook, as well as return the email address, I
22 ascertained that I was talking to somebody who went by Bradley E.

1 Manning, who was associated with the military on all three networks
2 and was presumably the same user

3 Q. What was the moniker, the user name, used in chat between
4 you and PFC Manning?

5 A. I'm sorry. Mine or his?

6 Q. Both.

7 A. Mine was screen name adrianonaol, which was recorded as
8 info@adrianlamo.com. The defendant's was bradass87.

9 Q. Did you only use the Pidgin program to chat through
10 American Online Instant Messaging?

11 A. That is correct.

12 Q. How many computers did you use during this time to chat
13 using Pidgin, the program?

14 A. I used two different computers.

15 Q. How many computers at the time did you have access to or
16 own?

17 A. More than two, fewer than five.

18 Q. Did you only use these two computers that you are
19 referencing to chat with Private First Class Manning?

20 A. Yes.

21 Q. What were those two computers?

22 A. One was a Lenovo Think Pad. The other was an HP mini.

23 Q. Lenovo Think Pad, is that desktop, laptop?

1 A. It is a laptop made by the successor to IBM in the Think
2 Pad line.

3 Q. HP-mini, could you describe that for the Court?

4 A. It was what was colloquially known as a netbook, small, Low
5 powered computer, mostly used for online activity.

6 Q. Where did you conduct these chats?

7 A. In the vicinity of Carmichael, variously at my residence,
8 at Starbucks and at a different Starbucks within a Safeway that
9 offered internet access, so internet cafes and at home.

10 Q. Did you record these chats?

11 A. Yes, I did.

12 Q. Was it your normal practice to record the chats?

13 A. Pidgin at that time and possibly still by default recorded
14 all chats. So, yes.

15 Q. So did you activate, I guess, Pidgin, did you affirmatively
16 tell Pidgin to record those chats?

17 A. No. It's not immediately evident to users that that
18 feature is enabled. I would have had to affirmatively disable it.

19 Q. You had not done that?

20 A. I had not.

21 Q. You recorded all chats with all people?

22 A. Yes, I did.

1 Q. Did anyone else have access to these computers at the time
2 you were chatting?

3 A. No. Access is prevented by various physical and
4 technological access countermeasures.

5 Q. What do you mean by that?

6 A. Encryption, password and physical inaccessibility.

7 Q. Let's start with physical inaccessibility. How were they
8 not physically accessible to anyone else?

9 A. In that they were generally on my person. When I went out,
10 I went out usually with one of them and the other one I would keep
11 locked away.

12 Q. When did the chats first start?

13 A. On or about May 20th of 2010.

14 Q. When did they end?

15 A. On or about May 26th of 2010.

16 Q. You kept the computers, two computers on your person
17 between those days?

18 A. Computer geeks do not always leave the house much.

19 Q. Thank you, Mr. Lamo, but did you keep them on yourself?

20 A. Yes, I did.

21 Q. When you went to Starbucks, you had both computers?

22 A. No. As I say, I travel with one to Starbucks and I would
23 keep the other one locked away in my quarters.

1 Q. And then what prevented someone in your quarters or if you
2 got up from Starbuck's desk from accessing the actual information on
3 the computer?

4 A. They would require a password in order to access the
5 computer. Then a pass phrase as well in order to decrypt the drive.

6 Q. How many people know that password or pass phrase at the
7 time?

8 A. At the time only myself.

9 Q. You didn't share that with anyone?

10 A. No. I was the only authorized user and the only one
11 technically capable of accessing that computer.

12 Q. When did you first meet with United States Army CID agents?

13 A. On or about the dates of May -- what -- CID, sorry.

14 Q. Yes. United States Army CID agents?

15 A. I believe on or about June 12th of 2010.

16 Q. And who did you meet with?

17 A. Special Agent Toni Edwards.

18 Q. And did Special Agent Toni Edwards collect any evidence
19 from you?

20 A. Yes, he did.

21 Q. What did he collect; what computer or hardware did he
22 collect?

1 A. Special Agent Edwards collected a Fujitsu hard drive from
2 the Lenovo Think Pad and the HP mini itself in its entirety.

3 Q. At the time he collected those were both the hard drives,
4 the Fujitsu you just spoke about, and HP mini laptop, were the both
5 in working -- proper working condition at the time ----

6 A. Yes, they were.

7 Q. ---- you gave them to him?

8 Did you ever copy -- make copies of those chat logs
9 between the time of the chats and giving those computers -- the
10 computer and hard drive to Special Agent Edwards?

11 A. Yes, I did.

12 Q. Did you ever manipulate, change, alter, delete, edit the
13 original logs that were on your computers?

14 A. The original logs as preserved by Pidgin were no way edited
15 or redacted.

16 Q. But you did alter, edit, redact other versions of the logs?

17 A. Yes, ones which I shared.

18 Q. What do you mean by "shared"?

19 A. With people not involved in the investigation.

20 Q. You shared these logs at some point?

21 A. Yes.

22 Q. What people did you share these logs with?

1 A. A journalist at Wired, Kevin Lee Poulsen, and Ellen
2 Nakashima at the Washington Post.

3 Q. And those versions that you shared, were those copies of
4 the originals or altered copies?

5 A. They were copies which contained redactions.

6 Q. You did not alter the originals?

7 A. I did not.

8 Q. How do you know that you did not alter the originals?

9 A. At no time did I save them or even open them in any way
10 capable of saving them. You can open a file as a read only, which is
11 what I did.

12 Q. When you surrendered digital media to Special Agent
13 Edwards, did you sign over that evidence on custody form?

14 A. Yes, I did.

15 Q. Did you sign that form?

16 A. Yes, I did.

17 Q. Did you give Special Agent Edwards any other laptops or
18 computer hard drives?

19 A. I gave Special Agent Edwards only the Fujitsu hard drive
20 from the Lenovo and the HP Mini.

21 Q. Now, Mr. Lamo, have you ever been diagnosed with mental
22 health conditions?

23 A. Yes, I have.

1 Q. And what are those?

2 A. Asperger Syndrome, a form of autism; major depression and
3 generalized anxiety.

4 Q. Do those conditions generally affect your memory?

5 A. No, they do not. And they are not known to in others
6 either.

7 Q. Do you take prescribed medications to assist you with
8 living with those conditions?

9 A. Yes, I do.

10 Q. Have those medications ever affected your memory?

11 A. They have, yes.

12 Q. Have you ever used those medications in a manner that could
13 affect your memory?

14 A. Yes.

15 Q. And would your chatting with Private First Class Manning in
16 May of 2010, were you using those medications in a way that affected
17 your memory?

18 A. I was not.

19 Q. Between the time of your chats in May 2010, and turning
20 over the hard drive and laptop to Special Agent Edwards on 12 June
21 2010, were you using those medications that in any way affected your
22 memory?

23 A. I was not.

1 Q. And today, Mr. Lamo, in this court-martial and this
2 testimony, are you suffering from any memory loss either from your
3 diagnosed medical conditions or medication use?

4 A. No.

5 TC[MAJ FEIN]: No further questions, Your Honor.

6 MJ: Defense?

7 CDC[MR. COOMBS]: Yes, Your Honor.

8 **CROSS-EXAMINATION**

9 **Questions by the civilian defense counsel [Mr. COOMBS]:**

10 Q. Mr. Lamo, in early 2000, you committed a string of attacks
11 against several large companies, correct?

12 A. A string of offenses, yes.

13 Q. In 2004, you pled guilty to computer fraud?

14 A. Yes, I did.

15 Q. You received a 6-month sentence of house arrest, 2 years'
16 probation?

17 A. That's correct.

18 Q. You were 22 years old at the time that you pled guilty?

19 A. I was.

20 Q. Same age that PFC Manning was when he started his IM chat
21 with you?

22 A. That is also correct.

1 Q. As you said, your IM chats began on or about the 20th of
2 May 2010?

3 A. Yes.

4 Q. And you chatted until on or about the 26th of May 2010?

5 A. That is also correct.

6 Q. Now the day after your initial chat with PFC Manning you
7 contacted law enforcement?

8 A. That's correct. Well, Army Counterintelligence.

9 Q. Law enforcement?

10 A. Yes.

11 Q. And you contacted law enforcement because you were
12 concerned about the type of information that PFC Manning had shared
13 with you?

14 A. Yes.

15 Q. You were also concerned for PFC Manning's life?

16 A. Yes.

17 Q. And after contacting law enforcement you continued to chat
18 with PFC Manning for the next 4 days?

19 A. That is correct.

20 Q. And based on your conversations, you determined that PFC
21 Manning was young?

22 A. Yes.

23 Q. You believed he was ideologically motivated?

1 A. That was my speculation, yes.

2 Q. You also saw him as well intentioned?

3 A. From his point of view, yes.

4 Q. From your point of view you saw him as well intentioned?

5 A. Subjectively, yes.

6 Q. You also saw him as idealistic?

7 A. Yes, I did.

8 Q. Now you testified on direct that PFC Manning identified

9 himself in the chat conversations?

10 A. Correct.

11 Q. And you testified on direct that he said basically, "I'm

12 Bradley Manning?"

13 A. Yes.

14 Q. Now, he told you during your conversations that he wanted

15 to disclose this information for the public good?

16 A. That was his representation, yes.

17 Q. And based upon your conversation, you saw someone very

18 familiar that day?

19 A. Yes.

20 Q. You saw a young 22 year old with good intentions, much like

21 you were?

22 A. That was not lost on me, correct.

23 Q. You did not know PFC Manning, correct?

1 A. Not personally, no.

2 Q. The two of you never met in person?

3 A. No.

4 Q. PFC Manning told you that he had done some ----

5 TC[MAJ FEIN]: Objection, Your Honor, hearsay.

6 CDC[MR. COOMBS]: In this instance, Your Honor, not offered
7 for the truth, effect on the listener.

8 MJ: What effect on the listener?

9 CDC[MR. COOMBS]: To explain the conduct of the listener from
10 this point. If I can ask the question and then -- I'll caution the
11 witness not to answer, but if I can ask the question before
12 objection, then we'll see what my question is.

13 MJ: Well, that's sustained on hearsay basis. I'm -- can you
14 get there without eliciting the hearsay?

15 CDC[MR. COOMBS]: Well, in this instance, ma'am, if I were
16 allowed to ask the question, I was going to say, "PFC Manning told
17 you he had done some background research on you." The issue there is
18 going to be the effect on this listener to indicate how they
19 continued their conversation. I'm not offering for the truth that
20 PFC Manning did the background research, just to explain the nature
21 of this individual's response.

22 MJ: The initial question wasn't that question. You can ask that
23 question.

1 CDC[MR. COOMBS]: That was my question, ma'am.

2 MJ: Say it again.

3 CDC[MR. COOMBS]: I'm reading it exactly, "PFC Manning told
4 you that he had done some background research on you." I said, "PFC
5 Manning told you," and then I got the objection.

6 MJ: Was that the question you objected to?

7 TC[MAJ FEIN]: Yes, Your Honor. The leading part that PFC
8 Manning told him something.

9 CDC[MR. COOMBS]: Well, this is cross so I can lead.

10 MJ: I know you can. I'm just concerned about getting the
11 hearsay that -- try to figure out a different way to do it.

12 **Questions continued by the civilian defense counsel [Mr. COOMBS]:**

13 Q. In this instance, were you made aware that PFC Manning knew
14 facts about you?

15 A. Yes.

16 Q. And, in fact, you were a supporter of LGBT, correct?

17 A. Yes.

18 Q. And LGBT is Lesbian, Gay, Bisexual and Transgender
19 Community?

20 A. Yes.

21 Q. And in 1998, you were appointed to the LBGT Youth Task
22 Force by the San Francisco Board of Supervisors.

23 A. That is correct.

1 Q. You also became a volunteer for gay and lesbian media for
2 Planetout.com. Is that correct?

3 A. Yes, it is.

4 Q. And Private First Class Manning knew that you were a threat
5 analyst and a grey hat hacker. Is that correct?

6 TC[MAJ FEIN]: Objection, Your Honor. Speculation of what PFC
7 Manning did or didn't know.

8 CDC[MR. COOMBS]: The witness won't need to speculate, Your
9 Honor.

10 TC[MAJ FEIN]: Then it's hearsay, Your Honor, because it's based
11 off of what PFC Manning did or didn't tell him.

12 MJ: It is hearsay. What is it being offered for?

13 CDC[MR. COOMBS]: Again, the effect on the listener for the
14 nature of the conversation, Your Honor, not for the truth of the
15 matter asserted. To explain why PFC Manning reached out to him and
16 the nature of their conversation.

17 MJ: Alright. I'll let you have some latitude here. It is a --
18 again, it's a trial before me. If it's coming in on any kind of
19 hearsay basis, I'll disregard it. Go ahead.

20 CDC[MR. COOMBS]: I understand, Your Honor.
21
22
23

1 Questions continued by the civilian defense counsel [Mr. COOMBS]:

2 Q. So you knew that he was aware that you were a threat
3 analyst and a Gray Hat Hacker, correct?

4 A. Yes.

5 Q. And what is a threat analyst?

6 A. An analyst whose field of study involves emerging threats
7 and existing threats whether they are computerized, as in my case, or
8 more tangible.

9 Q. What is a Gray Hat Hacker?

10 A. A Gray Hat Hacker is colloquially someone who performs
11 network analysis with permission, but not for malicious purposes.

12 Q. You also were aware that PFC Manning knew that you had
13 donated to WikiLeaks?

14 A. I recall that he referenced that he was aware of the recent
15 leak of my film and that I had mentioned WikiLeaks in connection with
16 that, but I don't know whether he knew I donated.

17 Q. Essentially that was kind of why PFC Manning was reaching
18 out to you?

19 A. That was one reason, yes.

20 Q. Now I want to ask you some specific questions about your
21 conversation with PFC Manning, okay?

22 A. By all means.

1 Q. Your conversation began with PFC Manning, of course,
2 reaching out to you to make contact. Is that right?

3 A. Yes.

4 Q. And PFC Manning told you he was an intelligence analyst?

5 MJ: Again, what is the basis for this? I've got a government
6 objection and it's going to be hearsay, right?

7 TC[MAJ FEIN]: Yes, Your Honor.

8 CDC[MR. COOMBS]: In this instance, Your Honor, and probably for
9 the remainder of my questions the response will be M.R.E. 803(3)(3),
10 existing state of mind.

11 MJ: That exception allows current state of mind, not things
12 done in the past. Go ahead and proceed.

13 CDC[MR. COOMBS]: Your Honor, actually 803(3)(3) allows the
14 declarant, in this case, an individual to testify about a declarant
15 statement of the then existing state of mind.

16 MJ: Then existing state of mind. That's right, nothing before
17 then.

18 CDC[MR. COOMBS]: Right. So that's what I'm going after.

19 MJ: Government, what's your position?

20 TC[MAJ FEIN]: Can I have a moment, Your Honor?

21 MJ: Yes.

1 TC[MAJ FEIN]: As long as it's tailored to state of mind, ma'am,
2 but the defense's answer was for the entire line of questioning. If
3 he veers from that, we'll object again.

4 MJ: All right. Go ahead.

5 CDC[MR. COOMBS]: Thank you, Your Honor.

6 MJ: Overruled.

7 **Questions continued by the civilian defense counsel [Mr. COOMBS]:**

8 Q. He told you he was an intelligence analyst?

9 A. Yes, 35 Foxtrot, I believe.

10 Q. He said to you, that he thought he would reach out to
11 somebody like you who would possibly understand him?

12 A. Yes.

13 Q. During this initial chat conversation he told you about his
14 life and his upbringing?

15 A. In some amount of detail, yes.

16 Q. He told you that he was being chaptered due to a gender
17 identity issue?

18 A. Yes.

19 Q. He also told you that he had been questioning his gender
20 for years, but started to come to terms with that with his gender
21 during the deployment?

22 A. Yes.

23 Q. He told you he believed he had made a huge mess?

1 A. Yes, he did.

2 Q. And he confessed that he was emotionally fractured?

3 A. Yes.

4 Q. He said he was talking to you as somebody that needed moral
5 and emotional support?

6 A. Yes.

7 Q. At this point he said he was trying not to end up killing
8 himself?

9 A. That is also correct.

10 Q. He told you that he was feeling desperate and isolated?

11 A. Yes.

12 Q. He described himself as a broken sole?

13 A. Yes, he did.

14 Q. He said his life was falling apart and he didn't have
15 anyone to talk to?

16 A. Yes, he did.

17 Q. And he said he was honestly scared?

18 A. He also said that.

19 Q. He told you that he had no one he could trust?

20 A. Correct.

21 Q. And he told you he needed a lot of help?

22 A. Yes, he did.

1 Q. He even apologized to you on several occasions for pouring
2 out his heart to you since you were total strangers?

3 A. Correct.

4 Q. Now at one point he asked you if you had access to
5 classified networks and saw incredible things, awful things, things
6 that belonged to the public domain, not on some servers in a dark
7 room in Washington, D.C. What would you do? Do you recall him
8 asking you that question?

9 A. Yes, I do.

10 Q. He told you he thought that the information that he had
11 would have impact on entire world?

12 A. That is also correct.

13 Q. He said the information would disclose casualty figures in
14 Iraq?

15 A. Yes.

16 Q. And he believed the State Department Cables explained in
17 detail how the first world countries exploited the third world
18 countries?

19 A. He made that representation, yes.

20 Q. He told you that the cables detailed almost criminal,
21 political back dealings?

22 A. Yes.

1 Q. He believed that everywhere there was a U.S. post there was
2 a diplomatic scandal?

3 A. That he did.

4 Q. He told you that he believed that it was important that the
5 information got out?

6 A. Correct.

7 Q. He thought that if the information got out, it might
8 actually change something?

9 A. Yes.

10 Q. He told you he did not believe in good guys versus bad guys
11 anymore?

12 A. Yes.

13 Q. He only believed in a plethora of states acting in self-
14 interest?

15 A. Correct.

16 Q. And he told you he thought he was maybe too idealistic?

17 A. Correct.

18 Q. He told you that he was always a type of person that tried
19 to investigate to find out the truth?

20 A. Something I could appreciate, yes.

21 Q. And based upon what he saw, he told you he could not let
22 information just stay inside?

23 A. Yes.

1 Q. He said he could not separate himself from others?
2 A. Correct.
3 Q. He felt connected to everybody?
4 A. Yes.
5 Q. He even told you he felt like we were all distant family?
6 A. Indeed.
7 Q. And he said he cared?
8 A. Yes.
9 Q. He told you that he thought he would keep track -- in his
10 job he would keep track of people that his job impacted?
11 A. Correct.
12 Q. And he wanted to make sure that everybody was okay?
13 A. Yes.
14 Q. He told you that the way he separated himself from other
15 analysts was because he cared about people?
16 A. He said that, yes.
17 Q. PFC Manning told you he followed humanist values?
18 A. Yes, he did.
19 Q. He said he had custom dogs tags that actually "humanist" on
20 it?
21 A. Yes.
22 Q. Do you know what it means to be a humanist?

1 A. From my understanding, placing the values and the
2 importance of human life and human beings as a structure of morality.
3 Q. PFC Manning told you that at the time he was feeling that
4 we're all human and we're killing ourselves and no one seemed to see
5 that or care?
6 A. Yes.
7 Q. He told you that he was bothered that nobody seemed to
8 care?
9 A. Yes, he did.
10 Q. He said he thought apathy was far worse than active
11 participation?
12 A. Yes.
13 Q. He told you that he preferred the painful truth over any
14 blissful fantasy?
15 A. Yes, he did.
16 Q. He also told you that he was maybe too traumatized to
17 really care about the consequences to him?
18 A. Yes.
19 Q. He told you that he wasn't brave. He was weak?
20 A. Yes.
21 Q. He said he was not so much scared of getting caught and
22 facing consequences as he was of being misunderstood?
23 A. Yes.

1 Q. At one point you asked him what his end game was, correct?
2 A. Yes, I did.
3 Q. And he told you, hopefully worldwide discussions, debates
4 and reforms?
5 A. Yes, he did.
6 Q. He told you that the reaction to the Apache video gave him
7 immense hope?
8 A. Yes.
9 Q. And he said he wanted people to see the truth?
10 A. Correct.
11 Q. He said without information you can't make an informed
12 decision as a public?
13 A. Yes, he did.
14 Q. And he told you that at the time he was hoping that people
15 would actually change if they saw the information?
16 A. Correct.
17 Q. He also told you that he recognized that he may be just
18 young, naive and stupid?
19 A. Yes.
20 Q. And at one point you asked him why he didn't just sell the
21 information to Russia or China?
22 A. Correct.

1 Q. And he told you that the information belonged in the public
2 domain?

3 A. Yes, he did.

4 Q. He believed that information was in the public domain and
5 should be for the public good?

6 A. Yes.

7 Q. You asked him how long he had been helping out WikiLeaks at
8 one point?

9 A. Yes, I did.

10 Q. He told you that he essentially had been ----

11 MJ: All right. Sustained. Hearsay.

12 CDC[MR. COOMBS]: Very well, Your Honor.

13 **Questions continued by the civilian defense counsel [Mr. COOMBS]:**

14 Q. At one point he told you that his belief or his feelings
15 were that he wanted to eventually go into politics?

16 A. Yes.

17 Q. And at the time he was thinking that humanity could
18 accomplish a lot, if smart people with ideas cooperated with each
19 other?

20 A. Correct.

21 Q. At any time did he say he had no loyalty to America?

22 A. Not in those words, no.

1 Q. At any time did he say the American flag didn't mean
2 anything to him?

3 A. No.

4 Q. At any time did he say he wanted to help the enemy?

5 A. Not in those words, no.

6 CDC[MR. COOMBS]: Thank you, Mr. Lamo.

7 MJ: Redirect?

8 TC[MAJ FEIN]: Yes, Your Honor.

9 **REDIRECT EXAMINATION**

10 **Questions by the trial counsel [MAJ FEIN]:**

11 Q. Did PFC Manning in his chat logs admit to knowing Julian
12 Assange?

13 A. Yes, he did.

14 Q. Did PFC Manning admit to compromising classified
15 information at the thousands of documents level?

16 A. Yes, he did.

17 Q. Also, Mr. Lamo, when did PFC Manning start talking to you;
18 what day was that?

19 A. On or about May 20th, 2010.

20 Q. That's the end of May 2010?

21 A. Yes.

22 TC[MAJ FEIN]: Thank you, Mr. Lamo. No further questions, Your
23 Honor.

1 CDC[MR. COOMBS]: No cross, Your Honor.

2 MJ: Temporary or permanent excusal.

3 TC[MAJ FEIN]: Your Honor, may we have a brief in place recess?

4 MJ: Why don't we just not recess? Go ahead and confer.

5 [There was a pause while the trial counsel and defense counsel

6 conferred.]

7 TC[MAJ FEIN]: Permanent, ma'am.

8 CDC[MR. COOMBS]: Ma'am, he was on the defense's witness list

9 for merits, but we do not object to a permanent excusal.

10 **[The witness was permanently excused and withdrew from the**

11 **courtroom.]**

12 TC[MAJ FEIN]: Your Honor, the United States has multiple

13 stipulations at this point to read.

14 MJ: Proceed.

15 TC[MAJ FEIN]: Yes, ma'am.

16 CDC[MR. COOMBS]: Your Honor, if we could actually just take a

17 brief 10-minute comfort break.

18 MJ: All right. Court is in recess until 11:15. Let me see

19 just one member of both sides just briefly in my chambers.

20 Court's in recess.

21 **[The court-martial recessed at 1109, 4 June 2013.]**

22 **[The court-martial was called to order at 1123, 4 June 2013.]**

1 MJ: Court is called to order. Let the record reflect all
2 parties who were present when the Court last recessed are again
3 present in court and there is an additional party.

4 TC[MAJ FEIN]: There is, Your Honor. Captain Whyte is present.

5 MJ: Is the government ready to proceed.

6 TC[MAJ FEIN]: Yes, ma'am. The United States offers on the
7 record three stipulations of expected testimony.

8 First, Your Honor, Special Agent Charles Clapper dated 3
9 June 2013, PE 27.

10 It is hereby agreed by the Accused, Defense Counsel, and
11 Trial Counsel, that if Special Agent Charles Clapper were present to
12 testify during the merits and pre-sentencing phases of this court-
13 martial, he would testify substantially as follows:

14 I am a Special Agent for the U.S. Army Criminal
15 Investigation Division (CID). Specifically, I work for the CID,
16 Computer Crimes Investigation Unit (CCIU). My current job title is
17 Special Agent in Charge (SAC) of the Arizona Branch Office located at
18 Fort Huachuca, Arizona. As the SAC, I run a two-man office that
19 handles exclusively computer crimes. My job also entails serving as
20 CID's liaison officer for NETCOM. Additionally, I am the liaison
21 officer to the Regional Computer Emergency Response Team (RCERT-
22 CONUS) and to the Theater Network Operations and Security Center

1 (TNOSC). I have served in Arizona as an Special Agent for 5 years
2 and I have been the SAC for 3 of the 5 years.

3 From 1986 to 1999, I was an enlisted Military Police
4 officer (MP). I served as an Evidence Custodian for the Investigation
5 Section at Fort Lewis, Washington from 1993 to 1994. After becoming
6 a CID agent in 1999, from 1999 to 2002, I served as the Computer
7 Crimes Coordinator for the 5th MP Battalion in Kaiserslautern,
8 Germany. I was also the Evidence Custodian for the Kaiserslautern
9 CID Office from 2001 to 2002. I served as the Detachment Sergeant
10 and as an Evidence Custodian from 2004 to 2006 at CCIU on Fort
11 Belvoir, Virginia. In 2007, I was an INSCOM contractor performing
12 forensics for the Army's Computer Emergency Response Team (Army-CERT)
13 in the Forensics and Malware Analysis department. I became a
14 civilian Special Agent in Arizona in 2008, and currently serve in
15 this capacity.

16 I received a Bachelor Degree in Liberal Arts from Regents
17 College located in New York. I have had extensive training in
18 evidence collection and handling. This includes having attended the
19 17-week Apprentice Special Agents Course. I have also attended the
20 Advanced Crime Scene Investigation class at Fort Leonard Wood and the
21 SALT Special Agent Course at the Army Crime Lab located at Fort
22 Gillem, Georgia.

1 In terms of computer and forensic training, I have taken
2 numerous courses at the Defense Cyber Investigative Training Academy
3 in Linthicum, Maryland. I took these courses between the years 2000
4 and 2008. They covered a full range of computer forensics and
5 digital media collection issues. Between 2003 and 2006, I attended
6 two courses at Guidance Software in Reston, Virginia. This company
7 manufactures the forensic imaging software EnCase. In 2012, I
8 attended the Federal Law Enforcement Training Center Computer Network
9 Intrusion Training program in Glynco, Georgia. These courses all
10 discussed the collection and handling of digital evidence.

11 I have a Department of Defense Cyber Crime Investigation
12 Certificate from the Department of Defense Cyber Crime Center, which
13 is the highest certification that one can receive in the field. The
14 certification must be renewed every 2 years. I received my first
15 certification in 2006, and last renewed it in October of 2012. In
16 addition to my training and certifications, I have worked more than
17 100 cases in my current duty position and somewhere between 100 to
18 200 cases in my previous capacities.

19 I follow several general procedures when handling evidence.
20 I review the custody document and always ensure the description of
21 the evidence matches the evidence attached. I check, for example,
22 that recorded serial numbers, markings for identification, and
23 condition description match the associated evidence. I ensure that

1 the appropriate information, such as date and time, are properly and
2 accurately recorded. Lastly, I maintain secure custody of the
3 evidence prior to transferring it to another individual.

4 In this particular investigation, I worked with SA Antonio
5 Edwards and assisted with witness interviews and the handling of
6 evidence. On 12 June 2010, I received evidence related to this
7 investigation from SA Edwards. I also received two Consent to Search
8 forms (CID Forms 87-R-E), signed by Mr. Adrian Lamo on 12 June 2010,
9 which gave signed consent to law enforcement personnel to search his
10 electronic devices for "all information in any form, pertaining to
11 communications which may be in the form of emails, instant messaging
12 chats, documents, data, computer code, log files, drawings,
13 photographs, or any other data; in encrypted, plain text, or any
14 other format; relating to Private First Class Bradley E. Manning
15 and/or the disclosure of classified information or information which
16 is the property of the U.S. Government."

17 The first piece of evidence collected and further handled
18 was a Lenovo Laptop computer with a Fujitsu computer hard drive
19 serial number: K404T812MF4D, recorded as Item 1 on DA Form 4137,
20 marked as document number DN 76-10, and known as "Lamo Ubuntu Hard
21 Drive". It was collected from Mr. Adrian Lamo in Sacramento,
22 California on 12 June 2010. The second piece of evidence collected
23 and further handled was an HP Mini Brand computer, computer serial

1 number CN90513VT, with a Seagate computer hard drive, serial number
2 5RE2C1QK, recorded as Item 1 on DA Form 4137, marked as document
3 number DN 77-10, and known as "Lamo HP Hard Drive". It was collected
4 from Mr. Adrian Lamo in Carmichael, California on 12 June 2010.

5 I imaged both pieces of evidence using standard forensic
6 imaging software, which does not alter the original evidence in any
7 way. A forensic image is a bit-for-bit or exact copy of the original
8 information on the hard drive. Using the DA Form 4137, I properly
9 released the original evidence back to Special Agent Edwards on 14
10 June 2010. While in possession of these items, I maintained control
11 over them. I returned the items in the same condition that I
12 received them and have no reason to believe that the evidence was
13 damaged or contaminated in any way. After releasing the evidence to
14 Special Agent Edwards, I had no further interaction with this
15 evidence.

16 Ma'am, stipulation of expected testimony, Mr. Garon Young,
17 dated 3 June 2013, PE 28.

18 It is hereby agreed by the Accused, Defense Counsel, and
19 Trial Counsel, that if Mr. Garon Young were present to testify during
20 the merits and presentencing phases of this court-martial, he would
21 testify substantially as follows:

22 I am currently the Criminal Intelligence Program Manager
23 for the U.S. Army Computer Crime Investigative Unit (CCIU) of the

1 Criminal Investigative Division (CID). I have been with CCIU for 10
2 years. This position primarily entails reviewing cases for
3 intelligence data and entering them into our database. Additionally,
4 I review reports, serve as the security manager, and act as alternate
5 evidence custodian. I have held this position for 10 years.

6 I have an Associate's degree from Central Texas College and
7 began my law enforcement career in 1980 as a Military Policeman. In
8 1987 I became a Military Police Investigator. From 1989 to 1992, I
9 was the Chief of Investigations in Wuerzburg, Germany. During this
10 time, 1989 to 1991, I was also the evidence custodian. I joined CID
11 in 1993, and from 1994 to 1995, was the alternate evidence custodian
12 while stationed in Korea.

13 From 1995 to 1998, I was the detachment sergeant at Fort
14 Leonard Wood. In this capacity, I was the senior enlisted advisor
15 and primary evidence custodian. From 1998 until I retired in 2000, I
16 worked at CID Headquarters on Fort Belvoir. After 3 years of working
17 for the Florida Department of Revenue in 2003, I returned to criminal
18 investigations by joining CCIU. I have worked in my current position
19 since then serving from 2003 to 2006, as the alternate and
20 occasionally primary evidence custodian at various times. Throughout
21 my years in law enforcement, I have worked more than 800 cases.

22 In 1996, I took the Medical Legal Death Investigations
23 Training by the Armed Forces Institute of Pathology held at Fort

1 Lewis. In 2005, I attended the Evidence Management Course at the
2 United States Army Crime Lab in Fort Gillem, GA. And in 2007, I
3 returned to Fort Gillem for the Army Crime Lab's Special Agent
4 laboratory Training. These courses do cover physical and digital
5 evidence collection and handling.

6 I follow several general procedures when handling evidence
7 as evidence custodian. The first time I receive a piece of evidence
8 I check the accompanying DA Form 4137 evidence custody document to
9 make sure the evidence matches the description and that the marked
10 for identification number on the evidence matches what is recorded on
11 the form. I also check to make sure the form has been appropriately
12 filled out. When I sign the evidence into the evidence room, I sign
13 in the "received" column. I then log it into the evidence book and
14 the database before placing it in the evidence room. When someone
15 asks to receive a stored piece of evidence, I pull the voucher number
16 and locate the evidence in its appropriate location. I check to make
17 sure the evidence I am handing over matches the description on the
18 form and then I release it to the Special Agent or Forensic Examiner
19 who has requested it. I sign that I have released it and the
20 individual receiving it signs that she has received it. Each time I
21 relinquish or assume custody of evidence, I check the description to
22 make sure the evidence being transferred matches the forms used to
23 transfer it.

1 In my capacity as evidence custodian, I have worked with
2 Special Agent Kirk Ellis, Special Agent Antonio Edwards and Ms.
3 Tamara Mairena. When Ms. Mairena came on board as the primary
4 evidence custodian, I trained her. She works as the primary and I as
5 the alternate evidence custodian. It is normal for her to sign
6 evidence out of the evidence room and for me to sign it back in or
7 vice versa.

8 I am involved in the present case because of my role in
9 assisting the investigation team with the secure storage of the
10 evidence they collect. I have received evidence from both Special
11 Agent Edwards and Special Agent Ellis.

12 On 15 June 2010, I received evidence related to this
13 investigation from Special Agent Edwards. I took custody of a Lenovo
14 Laptop computer with a Fujitsu computer hard drive, serial number:
15 K404T812MF4D, collected from Mr. Adrian Lamo while in Sacramento, CA
16 on 12 June 2010, recorded as Item 1 on a DA Form 4137 marked as
17 document number DN 76-10, and known as: "Lamo Ubuntu Hard drive". I
18 also took custody of an HP Mini Brand computer, computer serial
19 number CNU90513VT, with a Seagate computer hard drive, hard drive
20 serial number 5RE2C1QK, collected from Mr. Adrian Lamo in Carmichael,
21 California on 12 June 2010, recorded as item 1 on a DA Form 4137
22 marked as DN 77-10, and known as "Lamo HP Harddrive". Upon taking

1 possession of this evidence I logged it in to the evidence room using
2 the proper procedures I just described. I never logged it back out.
3 On 15 June 2010, I also received evidence related to this
4 investigation from Special Agent Ellis. I took custody of a DVD
5 Marked "0028-10-cid221-10117 Department of State Server Logs,
6 199.56.188.73", seized from the Department of State on 15 June 2010,
7 recorded as. Item 1 on a DA Form 4137 marked as DN 78-10, and known
8 as "DoS Server Logs". Upon taking possession of this evidence, I
9 logged it into the evidence room using the proper procedures I
10 described earlier. I never logged it back out.

11 Your Honor, a stipulation of expected testimony from Ms.
12 Tamara Mairena data 3 June 2013, Prosecution Exhibit 29.

13 It is hereby agreed by the Accused, Defense Counsel, and Trial
14 Counsel, that if Ms. Tamara Mairena were present to testify during
15 the merits and pre-sentencing phases of this court-martial, she would
16 testify substantially as follows:

17 I am the primary evidence custodian at the Computer Crimes
18 Investigative Unit (CCIU) of the U.S. Army Criminal Investigation
19 Command (CID) in Quantico, Virginia. I have held this position since
20 2006. In this position, I track and catalog evidence maintained by
21 our CCIU office.

22 I have been a Certified Evidence Custodian since January of
23 2006. I received this certification from the U.S. Army Criminal

1 Investigation Laboratory. Since January 2010, I have also been a
2 Department of Defense (DOD) Cyber Investigations Training Academy
3 certified digital media collector.

4 I follow several general procedures when handling evidence
5 as evidence custodian. The first time I receive a piece of evidence,
6 I check the accompanying DA Form 4137 evidence custody document to
7 make sure the evidence matches the description and that the marked
8 for identification number on the evidence matches what is recorded on
9 the form. I also check to make sure the form has been appropriately
10 filled out. When I sign the evidence into the evidence room, I sign
11 in the "received" column. I then log it into the evidence book and
12 the database before placing it in the evidence room. When someone
13 asks to receive a stored piece of evidence, I pull the voucher number
14 and locate the evidence in the appropriate location. I check to make
15 sure the evidence I am handing over matches the description on the
16 form and then I release it to the Special Agent or Forensic Examiner
17 who has requested it. I sign that I have released it and the
18 individual receiving it signs that he or she has received it. Each
19 time I relinquish or assume custody of evidence, I check the
20 description to make sure the evidence being transferred matches the
21 forms used to transfer it.

22 I first became involved in the present case because of my
23 role in assisting the investigation team with the secure storage of

1 evidence they collect. I signed several pieces of evidence from the
2 investigating agents and forensic examiners into the evidence room
3 and would release evidence back to them when they needed it for their
4 investigation or examinations. In my role as evidence custodian, I
5 have worked with and received evidence from Special Agent Kirk Ellis,
6 Special Agent Antonio Edwards, Special Agent David Shaver, Special
7 Agent Calder Robertson, Special Agent John Wilbur, and Special Agent
8 Mark Mander. I also know Mr. Garon Young. He used to be the primary
9 evidence custodian and trained me when I began working for Army CCIU.

10 Mr. Young currently serves as the alternate evidence
11 custodian. As such, it is normal for him to sign something out of
12 the evidence room and for me to sign it back in or vice versa.

13 On 18 June 2010, I signed a Lenovo laptop computer with
14 Fujitsu computer hard drive, serial number: K404T812MF4D, collected
15 from Mr. Adrian Lamo in Sacramento, California on 12 June 2010,
16 recorded as Item 1 on a DA Form 4137 marked as document number DN 76-
17 10, and known as "Lamo Ubuntu Harddrive" out of the evidence room to
18 Special Agent Dave Shaver for forensic examination. I also signed out
19 an HP Mini Brand computer, computer serial number CNU90513VT, with
20 Seagate hard drive serial number 5RE2C1QK, collected from Mr. Adrian
21 Lamo in Carmichael, California on 12 June 2010, recorded as Item 1 on
22 a DA Form 4137, marked as DN 77-10, and known as "Lamo HP Harddrive"
23 to Special Agent Shaver for the same reason. He returned these items

1 later that same day. I received and released this evidence according
2 to the proper procedures I just described. I did not alter this
3 evidence in any way.

4 On 18 October 2010, I received evidence related to this
5 investigation from Special Agent Wilbur recorded as Item 1 on a DA
6 Form 4137 marked as DN 151-10. I took custody of a CD marked
7 "WikiLeaks DoS Firewall Logs 13 Oct 10" collected from the Department
8 of State on 15 October 2010, and known as "DoS Firewall Logs". Upon
9 receiving this evidence, I properly logged it into the evidence room
10 using the same procedures described earlier. On 1 November 2010, I
11 properly released it to Special Agent Shaver for examination. He
12 returned it later that same day. I received and released this
13 evidence according to the proper procedures I described earlier. I
14 did not alter this evidence in any way.

15 On 3 November 2010, I received nineteen pieces of evidence
16 from Special Agent Mander, collected from the home of Ms. Debra Van
17 Alstyne in Potomac, Maryland, on 2 November 2010, recorded as Items
18 1-19 on a DA Form 4137 marked as DN 162-10. Item 2 on this DA Form
19 4137 was an SD memory card, serial number: BE0915514353G, known as
20 "SD Card". On 10 December 2010, I properly released the "SD Card" to
21 Special Agent Shaver for examination. He returned it later that same
22 day. I properly received the evidence back in to the evidence room

1 according to the proper procedures I described earlier. I did not
2 alter this evidence in any way.

3 Your Honor, that's the end of the three stipulations of
4 expected testimony. The United States would move to admit what has
5 been marked as Prosecution Exhibit 13 and 14 for Identification as
6 Prosecution Exhibit 13 and 14 respectively.

7 MJ: Any objection?

8 CDC[MR. COOMBS]: No, ma'am.

9 MJ: May I see them?

10 [PEs 13 and 14 for ID were handed to the military judge.]

11 MJ: All right. Prosecution Exhibits 13 and 14 for
12 Identification are admitted.

13 TC[MAJ FEIN]: Ma'am, the United States requests the lunch
14 recess a little earlier and request a 2-hour lunch recess in order
15 for the parties to work on administrative issues.

16 CDC[MR. COOMBS]: No objection, Your Honor.

17 MJ: All right. Do you want to come back then at 1345?

18 TC[MAJ FEIN]: Yes, ma'am.

19 CDC[MR. COOMBS]: Yes, ma'am.

20 MJ: All right. That will be 1:35 in civilian parlance.

21 TC[MAJ FEIN]: I'm sorry, ma'am, 35 or 45?

22 MJ: 45, I'm sorry.

23 TC[MAJ FEIN]: Yes, ma'am.

1 MJ: It will be 1345 or 1:45 in civilian parlance. Court is in
2 recess until 1:45.

3 [The court-martial recessed at 1145, 4 June 2013.]

4 [The court-martial was called to order at 1351, 4 June 2013.]

5 MJ: Court is called to order.

6 Let the record reflect all parties present when the Court
7 last recessed are again present in court.

8 Is the government ready to proceed?

9 ATC[CPT MORROW]: Yes. We recall Special Agent David Shaver.
10 SPECIAL AGENT DAVID SHAVER, civilian, was recalled as a witness for
11 the government, reminded of his previous oath and testified as
12 follows:

13 **REDIRECT EXAMINATION**

14 **Questions by the assistant trial counsel [MAJ FEIN]:**

15 Q. Special Agent Shaver, I want to talk about your involvement
16 in the case. Can you describe your initial involvement for the Court
17 in the investigation of PFC Manning?

18 A. Yes, sir. About June 2010, I was notified of a possible
19 compromise or data spillage involving Army computers at Fort -- FOB
20 Hammer, Iraq.

21 Q. When you say compromise of information, classified
22 information/unclassified information?

23 A. Classified, sir.

1 Q. And at this time you were the Special Agent in Charge at
2 DFRB, the Digital Forensic and Research Branch?

3 A. Yes, sir; I was.

4 Q. Specifically, what was your role in the investigation?

5 A. To both supervise the people doing the forensic
6 examinations and to conduct forensic examinations in support of this
7 case.

8 Q. When you say "forensic examinations," can you just describe
9 generally what you were tasked to examine and what others were tasked
10 to examine?

11 A. We were -- As a unit, we were tasked to examine all the
12 computers involved in this, to include the computer of Adrian Lamo
13 and others.

14 Q. And media collected from PFC Manning?

15 A. Yes, sir.

16 Q. Let's talk about -- you said -- mentioned Mr. Adrian Lamo.
17 Did you examine the computers collected from Mr. Lamo?

18 A. Yes, sir; I did.

19 Q. And what were those two computers? What were the
20 computers?

21 A. There were two of them: a Windows computer and a Linux
22 computer.

1 Q. If you would, just discuss your process for examining
2 these. Did you -- Well, first just discuss your process.

3 A. Sure. I checked the evidence in the evidence room. I
4 created a forensic image, a bit by bit image. I then verified that
5 the hash matched. I returned -- signed back the evidence into the
6 evidence room and I would conduct my examination.

7 Q. So with respect to Lamo's computers at least, you actually
8 created the image yourself?

9 A. Yes, sir, I did.

10 Q. And then you said you moved into your work computer?

11 A. Yes, sir, I did.

12 Q. Why do you do that?

13 A. You work off the image, not off the original media. So you
14 want to keep it pristine. You don't want to damage it.

15 Q. What were you specifically looking for on Mr. Lamo's
16 computers?

17 A. We were -- the search that was asked of me to perform was
18 of limited scope. I was supposed to search for the chat name
19 "bradass87" and the name "Bradley Manning."

20 Q. And why "bradass87"?

21 A. Sir, that was reported to me as the chat name used by PFC
22 Manning.

1 Q. And you were only tasked to examine -- or you were you only
2 -- your scope only extended to chat logs?
3 A. Anything involving the two names.
4 Q. So it could have been -- if his name appeared somewhere
5 else, your scope would have covered that as well?
6 A. Yes, sir.
7 Q. You said there were two computers. One was a Windows
8 computer?
9 A. Yes, sir.
10 Q. Let's talk about that one first. Did you locate a chat
11 program on this computer?
12 A. Yes, sir; I did.
13 Q. And did you find chat logs on the computer?
14 A. Yes, sir; I did.
15 Q. What was the -- did these chat logs include the username
16 bradass87?
17 A. Yes, sir; they did.
18 Q. Who were the chats between? One side was bradass87; who was
19 the other side?
20 A. Mr. Lamo.
21 Q. And how many different chat files did you find in the chat
22 program related to bradass87?
23 A. Sir, there were four files.

1 Q. And what were the dates of those files?

2 A. 21, 22, 23, and 24 May 2010.

3 Q. And after examining the computer, could you tell why the

4 computer stored these chat conversations?

5 A. Sure. As part of the default settings, apparently all the

6 chats were logged.

7 Q. Did you find chat logs or at least during your examination,

8 did you see chat logs with other people on the computer?

9 A. They were present, yes.

10 Q. And with respect to the chat logs between Adrian Lamo and

11 bradass87, did you find other versions of the chat logs on the

12 computer?

13 A. Yes, sir, I did. Within the desktop there were variations

14 of it.

15 Q. What was the difference between the version of the chat

16 logs in the desktop versus the version in the actual program?

17 A. The chat logs appeared to be the original sources; they

18 appeared to be unmolested. The chats on the desktop were combined,

19 they were -- and formatted differently.

20 Q. Let's talk about the Linux computer. First, what is the

21 Linux?

22 A. Sir, Linux is just an operating system.

1 Q. How does it distinguish from a Mac operating system or
2 Windows operating system?

3 A. Sir, it's just a different operating system. It's free,
4 very powerful, easy to use.

5 Q. And on this computer, the Linux computer, did you find chat
6 logs containing the user name bradass87?

7 A. Yes, sir; I did.

8 Q. And in what form were the chat logs on this computer?

9 A. It was just a text file, sir.

10 Q. For the Court's knowledge, what is a text log?

11 A. Sir, it's just a text file, no formatting, just plain
12 words.

13 Q. And what was the -- this text file called? Was the file
14 named called?

15 A. Yes, sir, it was named Zero, Z-E-R-O.

16 Q. Based on your review of this text file, could you tell chat
17 application?

18 A. No, sir.

19 Q. Again, what were the user names of the individuals in the
20 chat logs in the zero file?

21 A. Bradass87 and Mr. Lamo's.

22 Q. And what were the time periods of the chat logs in Lamo's?

23 A. It was 25 May 2010, and on.

1 Q. And did you find other versions of these chat logs in other
2 places on the computer?

3 A. Yes, sir; I did. Again, on the desktop there were
4 different variations of it. They were formatted differently. They
5 have different names. I believe one was Brad, underscore,
6 confession. Things like that.

7 Q. In this case on the Linux computer, which logs appeared to
8 be the originals?

9 A. The one from zero file.

10 Q. Why do you say that?

11 A. Sir, I compared them against the recovered chat logs from
12 PFC Manning's personal computer and they matched.

13 Q. We'll talk about that later. On both computers, Windows
14 and Linux, did the chats you identified appear to be -- and this may
15 be a stupid question, but appear between the same individuals?

16 A. Yes, sir.

17 Q. At any time during this investigation did you combine all
18 the chat logs from these two computers into one document?

19 A. Yes, sir; I did.

20 Q. Why did you combine the chat logs?

21 A. I wanted to see if they flowed. I wanted to see if it
22 seemed to be a complete communication between the two computers.

1 ATC[CPT MORROW]: I'm retrieving Prosecution Exhibit 30 for
2 Identification [retrieving PE 30 for ID from the court reporter].
3 I'm handing the witness what has been marked as Prosecution
4 Exhibit 30 for identification [handing PE 30 for ID to the witness].
5 ADC[CPT TOOMAN]: Your Honor, the defense would be willing to
6 stipulate that the chat logs from Lamo's computer and whatever was
7 pulled from PFC Manning's computer are the same.
8 ATC[CPT MORROW]: Well, I'll ask a few foundational questions and
9 I'll move on so it will be clear.
10 MJ: Go ahead.
11 **Questions continued by the assistant trial counsel [CPT MORROW]:**
12 Q. Do you recognize the document?
13 [There was a pause while the witness reviewed PE 30 for ID.]
14 A. Yes, sir.
15 Q. And what is it?
16 A. Sir, it's the combined chat logs.
17 Q. How do you know?
18 A. Sir, because I combined them and this appears to be what
19 this is.
20 Q. When you combined the chat logs, did you alter the
21 information in any way?
22 A. No, sir, I did not.

1 Q. Is this an accurate representation of the chat logs in
2 printed form?

3 A. Appears to be.

4 Q. You say you combined the chat logs; is that correct?

5 A. Yes, sir.

6 Q. These chat logs files have dates?

7 A. Yes, sir.

8 Q. When you combined the chat logs files you found, did you
9 place the chats in chronological order?

10 A. Yes, sir; I did.

11 Q. Did you review the content of the chat logs once they were
12 combined?

13 A. Yes, sir; I did.

14 Q. Did you find any information that confirmed the additional
15 allegations of compromised classified information?

16 A. Sir, yes, it appeared to be there.

17 ATC[CPT MORROW]: At this time, Your Honor, the United States
18 offers Prosecution Exhibit 30 into evidence as Prosecution Exhibit
19 30.

20 ADC[CPT TOOMAN]: No objection, Your Honor.

21 MJ: May I see it please?

22 [PE 30 for ID was handed to the military judge.]

23 MJ: Prosecution Exhibit 30 for Identification is admitted.

1 ATC[CPT MORROW]: No further questions. Thank you.

2 MJ: Defense?

3 ADC[CPT TOOMAN]: None, Your Honor.

4 MJ: Is the witness temporary or permanently excused?

5 ATC[CPT MORROW]: Temporary.

6 **[The witness was duly warned, temporarily excused and withdrew from**

7 **the courtroom.]**

8 ATC[CPT WHYTE]: The United States asks for a brief recess for

9 counsel to leave.

10 MJ: So counsel can leave?

11 ATC[CPT WHYTE]: So Captain Morrow can excuse himself.

12 MJ: Well, can he excuse himself without a recess and we just

13 keep going?

14 ATC[CPT WHYTE]: Sounds good, ma'am.

15 [CPT Morrow exited the courtroom.]

16 ATC[CPT WHYTE]: Ma'am, please let the record reflect that

17 Captain Morrow is no longer present.

18 MJ: The record shall so reflect.

19 ATC[CPT WHYTE]: Ma'am, at this point the United States

20 offers one stipulation of expected testimony into the record.

21 MJ: Proceed.

22 ATC[CPT WHYTE]: The stipulation of expected testimony of Elisa

23 Ivory dated 10 May 2013.

1 It is hereby agreed by the accused, defense counsel, and
2 trial counsel that if Ms. Elisa Ivory were present to testify during
3 the merits and presentencing phases of this court-martial, she would
4 testify substantially as follows:

5 Number 1. I, Elisa Ivory, previously of the surname Rubin
6 and the Officer In Charge, OIC, of the S-2 section at the 305th
7 Military Intelligence Battalion, Fort Huachuca, Arizona. I have held
8 this position since 2009. As the OIC, I am responsible for security
9 oversight, including the security measures necessary for the in and
10 out processing of Advanced Individual Training, AIT, students at the
11 United States Army Intelligence Center and School.

12 2. Before becoming the OIC of the S-2 section, I was a
13 security specialist in the S-2 section for nearly 15 years. I was the
14 lead for the enlisted section of AIT students and was responsible for
15 processing, clearance paperwork, tracking the status of security
16 clearances and providing the security briefed to incoming and
17 outgoing AIT students.

18 3. All AIT students were required to have a Secret
19 security clearance to attend AIT. I was responsible for confirming
20 that the AIT students possess the necessary security clearance
21 through the Joint Personnel Adjudication System, JPAS. If any
22 student did not possess a Secret security clearance, I would process

1 the security clearance which would include having the student
2 complete a standard form SF 86.

3 Some military occupational specialties, MOS, required that
4 the student possess a Top Secret security clearance in order to
5 graduate AIT, and I would assist those students with processing their
6 top secret security clearances.

7 Private First Class Manning is a 35 Fox, previously 96
8 Bravo, All-Source Intelligence Analyst, an MOS that required Private
9 First Class Manning to possess a top secret security clearance in
10 order to graduate from AIT.

11 Number 4. PFC Bradley Manning attended AIT from 4 April
12 2008 until 14 August 2008, during which time I was a security
13 specialist in the G2 section. At 0800 on Monday, 7 April 2008, I
14 gave all students, including PFC Manning, a security brief which
15 lasted approximately 45 minutes. I briefed the class, including PFC
16 Manning, on operational security, OPSEC, and information system
17 security, INFOSEC. Specifically, I briefed that OPSEC is the process
18 of denying adversaries information about friendly capabilities and
19 intentions by identifying, controlling and protecting indicators
20 associated with the planning and conducting of military operations
21 and other activities. Specifically, I briefed that INFOSEC is a
22 system of policies, procedures and requirements established under the
23 authority of Executive Order 13526 to protect information that, if

1 subjected to unauthorized disclosure, could reasonably be expected to
2 cause damage to the National Security.

3 I briefed the class, including PFC Manning, about the
4 dangers to National Security of allowing U.S. Army and government
5 classified information on the internet. I explained to the class,
6 including PFC Manning, that putting information on the internet not
7 only exposes information relating to our National Security but also
8 puts each Soldier at risk of blackmail by our adversaries given his
9 position of trust to safeguard classified information.

10 During my brief I discussed previous cases of treason to
11 include John Walker Lindh and Aldrich Hazen Ames to teach PFC Manning
12 and the rest of the class the consequences of violating this position
13 of trust and betraying his country.

14 Number 5. At the conclusion of my security brief, I
15 explained to the class and PFC Manning the purpose and contents of
16 the standard form SF 312, Non-Disclosure Agreement, NDA. I then
17 asked the class and PFC Manning if they wanted to voluntarily sign
18 the NDA. PFC Manning volunteered to sign the NDA. I then instructed
19 PFC Manning and those others who signed the NDA to stand up and raise
20 their right hand and state that they accepted the responsibilities
21 contained within the NDA and voluntarily agreed to be bound by the
22 terms within the NDA. Afterwards, PFC Manning completed and

1 voluntarily signed the NDA for which I co-signed as a witness to PFC
2 Manning's signature.

3 Number 6. The NDA with Bates Numbers 00022912 through
4 00022913 is the NDA which PFC Manning executed on 7 April 2008. The
5 same document is the NDA, which I then witnessed PFC Manning sign. I
6 recognize my signature on that specific NDA and I, along with each
7 student for which I co-signed as a witness, followed the above
8 described procedures each time the student executed an NDA.

9 Let the record reflect I'm retrieving Prosecution Exhibit
10 59 for Identification from the court reporter [retrieving PE 59 for
11 ID from the court reporter].

12 Ma'am, the United States offer Prosecution Exhibit Number
13 58 for Identification into evidence?

14 MJ: May I see it?

15 [PE 59 for ID was handed to the military judge.]

16 MJ: Any objection?

17 ADC[MAJ HURLEY]: No objection.

18 MJ: All right. Prosecution Exhibit 59 for Identification is
19 admitted.

20 ATC[CPT WHYTE]: Ma'am, the United States calls Troy Moul.

21

22

1 TROY MOUL, Civilian, was called as a witness for the government, was
2 sworn and testified as follows:

3 DIRECT EXAMINATION

4 Questions by the assistant trial counsel [CPT WHYTE]:

5 Q. You are Mr. Troy Moul?

6 A. Correct.

7 Q. Mr. Moul, what is your current position?

8 A. I work at Tucson Embedded Systems as the red disk trainers
9 developers/assistance ISR SME.

10 Q. ISR. What is that?

11 A. Intelligence Surveillance and Reconnaissance.

12 Q. What is SME?

13 A. Subject Matter Expert.

14 Q. When did you start that position?

15 A. April 1st of this year.

16 Q. What are your responsibilities in that position?

17 A. I produce the training support packages, lesson plans, user
18 manuals for the red disk, program of record and then assist with any
19 ISR of any questions from the software developers.

20 Q. What was your position before joining Tucson Embedded
21 Systems?

22 A. I worked at General Dynamics at the 35 Fox 10 level EATC.

23

1 Q. Can you explain 35 Fox -- can you explain what is that?
2 A. The 35 Fox 10 level is the introduction schoolhouse for the
3 all-source analysts.
4 Q. What was your position at the AIT school?
5 A. 35 Fox instructor trainer.
6 Q. How long were you an instructor at the Intelligence Analyst
7 Course?
8 A. I started there in September of 07' and then left there in
9 April of this year.
10 Q. What is your military background?
11 A. Five years active duty service in the United States Marine
12 Corp.
13 Q. What was your MOS?
14 A. 0231.
15 Q. Is there an Army equivalent?
16 A. Yes, the 35 Fox.
17 Q. What training did you receive to become an intelligence
18 specialist?
19 A. I received training at the Navy Marine Corps Intelligence
20 Training Center in Dam Neck, Virginia.
21 Q. Let's talk about your time at AIT when you were an
22 instructor. How do you know PFC Manning?
23 A. He was a student of mine.

1 Q. When were you PFC Manning's instructor at AIT?

2 A. It was spring, summer of 2008.

3 Q. What was PFC Manning's MOS at the time?

4 A. He was trained to become a 35 Fox.

5 Q. What is a 35 Fox again?

6 A. That is the all-source analyst for the Army.

7 Q. Are you familiar with what an all-source intelligence
8 analyst does?

9 A. Yes, I am.

10 Q. How so?

11 A. I trained them for the 6 years or so and been working in
12 and around the field for the past 13.

13 Q. You said that was what you were when you were prior ----

14 A. Correct, Marine Corps equivalent.

15 Q. How would you describe what a 35 Fox does?

16 A. Easiest way to explain it is jack-of-all-trades, master of
17 none. They take information from all the specialized intelligence
18 disciplines that are out there and make something understandable to
19 their commander.

20 Q. Where was the Intelligence Analyst Course?

21 A. Fort Huachuca, Arizona.

22 Q. How long was the course PFC Manning attended at AIT?

23 A. 16 weeks and 3 days.

1 Q. Of those 16 weeks at AIT, how many were spent in the
2 classroom?

3 A. Roughly 14 of those.

4 Q. Let's talk about the classroom instruction at AIT. How many
5 days per week was PFC Manning in the classroom?

6 A. We were there 5, sometimes 6 days a week depending on if we
7 had a holiday or training event or something that took precedence.

8 Q. And what were the hours of operation at the schoolhouse?

9 A. Roughly 8 to 4.

10 Q. How old were many of the students at AIT?

11 A. Between the ages of 18 and 22.

12 Q. How did you instruct this material to the younger audience
13 in your class?

14 A. Try to relate the material as best as possible through the
15 use of popular culture of the day and any sport analogies or movie
16 analogies that I could think of.

17 Q. What guidance were you given on what material to instruct
18 PFC Manning at AIT?

19 A. Prior to the start of the cycle we were handed a lesson
20 plan and a program of instruction to teach.

21 Q. So this lesson plan -- What is a lesson plan?

22 A. It was the outline that we were supposed to teach from.

23 Q. What is the purpose of a lesson plan?

1 A. It was to ensure since we had a multitude of students
2 coming through that everybody got the same base material with a
3 little leeway for the instructor's experiences and knowhow.

4 Q. When you got this lesson plan, how did you implement it?

5 A. We were given the material from our training development
6 team and we were told to review it, make sure we understood it and
7 then find a way to pass that information on to the students.

8 Q. Are you familiar with the lesson plan for the intelligence
9 course that PFC Manning attended?

10 A. Yes, I am.

11 Q. How was that lesson plan organized?

12 A. It always started off with the course number that would be
13 taking, our version number that we were currently on, the date that
14 either the lesson plan would be finalized or had been finalized, a
15 table of contents as to what we would be covering and then the
16 lessons themselves.

17 Q. How many lessons were there?

18 A. There's 14 lessons at the time.

19 Q. Are you familiar with how a lesson plan becomes approved?

20 A. Yes, I am.

21 Q. Can you explain that process?

22 A. TRADOC regulations would stipulate that a lesson plan after
23 being developed would be implemented by at least three classes, from

1 start to finish, with minor grammatical or formatting changes to be
2 made. Once it had gone through those three iterations, it would pass
3 through another checks and balances, higher up the chain and then
4 TRADOC would come back and sign off on it.

5 Q. Do you remember if the lesson plan when PFC Manning
6 attended AIT had been approved?

7 A. It had not.

8 Q. So it was still in the training process?

9 A. Correct, still the verification embedding.

10 ATC[CPT WHYTE]: Let the record reflect I'm retrieving
11 Prosecution Exhibit Number 54 from the court reporter [retrieving PE
12 54 for ID from court reporter].

13 Let the record reflect I'm handing the witness what has
14 been marked as Prosecution Exhibit 54 for Identification [handing PE
15 54 for ID to the witness].

16 **Questions continued by the assistant trial counsel [CPT WHYTE]:**

17 Q. Mr. Moul, please look at that document and let me know when
18 you're finished.

19 [There was a pause while the witness reviewed PE 54 for ID.]

20 A. All right, sir.

21 Q. Are you familiar with this document?

22 A. I am.

23 Q. What is this document?

1 A. This is a copy of the table of contents for a lesson plan.

2 Q. And what characteristics about this document help you
3 identify it as the table of contents?

4 A. Of course, the title Table of Contents, Intelligence
5 Analyst Course on top, the course and version number, the lessons
6 that were actually taught.

7 Q. So what would you do with this lesson plan after you gave a
8 block of instruction?

9 A. After a block of instruction, we would review our lesson
10 plan to ensure we hit the critical points during instruction and if
11 we didn't, then we would make sure to reiterate those during our
12 review phase prior to our examination.

13 Q. How many lessons are included in Prosecution Exhibit 54 for
14 Identification?

15 A. Fourteen total.

16 Q. Are you familiar with those 14 lessons?

17 A. Yes, I am.

18 Q. How so?

19 A. Of the 14, 13 of them were actually taught in my classroom.

20 ATC[CPT WHYTE]: Your Honor, at this point we offer Prosecution
21 Exhibit 54 for Identification into evidence.

22 ADC[MAJ HURLEY]: Ma'am, we would object as hearsay. I don't
23 understand necessarily why you would need the table of contents or

1 why the trier of fact would need it to make a determination in this
2 case. You've essentially heard all the testimony from the witness.

3 MJ: It's a relevance objection?

4 ADC[MAJ HURLEY]: Yes, ma'am.

5 MJ: May I see it, please?

6 [PE 54 for ID was handed to the military judge.]

7 MJ: I'm going to overrule that.

8 Any other objections?

9 ADC[MAJ HURLEY]: No, ma'am.

10 MJ: Prosecution Exhibit 54 for Identification is admitted.

11 ATC[CPT WHYTE]: Let the record reflect I'm retrieving back
12 Prosecution Exhibit 54 for Identification [sic] back from the court
13 reporter and handing it back to the witness [handing PE 54 to the
14 witness].

15 **Questions continued by the assistant trial counsel [CPT WHYTE]:**

16 Q. Mr. Moul, can you please explain to the Court this first
17 lesson generally, what it consisted of?

18 A. Lesson one was a welcome to the course and an in-processing
19 in the classroom.

20 Q. What about the second lesson?

21 A. Lesson two was information security and operational
22 security.

23

1 Q. So what type of information was taught?

2 A. We would go over what is classified information, what makes
3 something classified information, how does one handle it, how does
4 one store it, how does one destroy it. And then in terms of basic
5 unclassified material, what are some things that personally you
6 wouldn't want an enemy to get ahold of.

7 Q. Can you just briefly explain what the third lesson
8 consisted of?

9 A. That was the research and briefing portion of the class.

10 Q. So just a one line summary of what that lesson included?

11 A. Here's how the Army would like you to do research. Here's
12 some of the places you can go to conduct research and then here's how
13 you would present that material.

14 Q. Can you give a one line summary of the fourth lesson that
15 was taught to PFC Manning?

16 A. Here's a map, both hard and soft copy, here is military
17 symbology and how to show that symbology on a map.

18 Q. What about the fifth lesson?

19 A. Here's how the Army likes to operate doctrinally, how they
20 prefer to do things and how they interoperate with other
21 organizations.

22 Q. And the sixth lesson?

1 A. This is IPB step one and two, where are we going, what kind
2 of an area are we going to be fighting in, and some of the basic
3 information we need to know about the people, the place, the terrain,
4 the general knowhow of the AO.

5 Q. And so you mentioned two acronyms, IPB. What is IPB?

6 A. Stands for intelligence preparation of the battlefield.

7 Q. And AO?

8 A. Area of operations.

9 Q. Can you please explain to the Court a brief one line
10 summary of the seventh lesson taught to PFC Manning?

11 A. What is the threat that we have in our AO; who are they and
12 what do they consist of?

13 Q. What does it mean to evaluate the threat?

14 A. Get to know everything you possibly can about the threats
15 inside your AO.

16 Q. What type of information would students learn about?

17 A. There's actually 13 different categories of the threat and
18 some of the big ones are what are their strength in numbers; what
19 weapons systems do they use; what kind of attacks do they use; where
20 are they setup; how do they like to operate; where are they getting
21 materials; where are they getting supplies.

22 Q. And now just a brief one line summary of the eighth lesson?

1 A. Now that we know who the threat is and what they can do,
2 how are they going to actually conduct those operations?

3 Q. And the ninth lesson?

4 A. This is where we start determining what we don't know and
5 what information is still going to be vital to our commander in order
6 to meet their mission intent.

7 Q. What is the ISR plan?

8 A. The ISR plan is the base plan utilized by the intel and
9 operations sections to send assets out to collect more information
10 about the AO so that we can fill in those gaps of knowledge.

11 Q. Now, the 10th lesson, can you give a brief one-line summary
12 of what that consisted of?

13 A. How to lethally or nonlethally remove a person, place,
14 thing or idea from our area of operations so that we can meet our
15 mission and intent.

16 Q. And the 11th lesson?

17 A. Basic intel analysis, how to take all that information that
18 we have gathered, all that information we've collected and all the
19 information we have researched and produce something presentable and
20 briefable to the commander.

21 Q. Can you explain the simulated wartime environment that was
22 created during this lesson?

1 A. During that time, the classes would either split the class
2 in half or pit classroom against classroom in a red versus blue
3 scenario.

4 Q. Who was the blue cell?

5 A. Blue cell was friendly forces, generally modeled after the
6 US Army.

7 Q. What was their mission as friendly forces?

8 A. Their mission was to go into an area, a simulated area,
9 generally the Sierra Vista area and remove insurgent forces from that
10 location in order to make the area of operation more suitable for the
11 government to take control again.

12 Q. And what about the red cell, the other team?

13 A. The red cell was just the opposite. They were the enemy,
14 the adversary, the threat that was trying to undermine the authority
15 of the local government and the blue cell in an attempt to remain in
16 control of the AO.

17 Q. During this block of instruction, what training did PFC
18 Manning receive on the computer systems?

19 A. We also covered the DCGS-A suite at this time.

20 Q. What is the DCGS-A?

21 A. Stands for Distributed Common Ground Station Army, and it
22 is the network of computer systems generally on the SIPRNET that are

1 utilized by the U.S. Army and other branches to maintain instant
2 connectivity between each other.

3 Q. So what type of training did PFC Manning receive during
4 this period?

5 A. We went through specialized training for the software on
6 the program or on the system, the MFWS system and taught the Soldiers
7 how to utilize those assets to best present and understand their
8 materials.

9 Q. Can you explain to the Court, just a brief one line summary
10 of the 12th lesson?

11 A. Now that you've got everything kind of gathered, now that
12 you have everything ready, these are the different types of products
13 that would be produced and be needed for command and staff elements
14 to war game themselves and do MDMP.

15 Q. MDMP?

16 A. Stands for military decision-making process.

17 Q. Can you explain to the Court the 13th lesson?

18 A. The 13th lesson is where we would actually send the
19 students out to a site Maverick and conduct a simulated deployed
20 environment.

21 Q. And what about the final lesson? Were you involved in that
22 final 14th lesson?

23 A. I was not. That was handled by the company.

1 Q. So let's talk about the second lesson, information
2 security, operational security. How long -- let the record reflect
3 I'm retrieving Prosecution Exhibit from the witness [retrieving PE 54
4 from the witness].

5 Q. So information security operational security, how long was
6 this period of instruction?

7 A. It was 3 days.

8 Q. Do you remember teaching PFC Manning?

9 A. I do.

10 Q. What materials were provided to the students during this
11 period of instruction?

12 A. Before showing up to the course each student was issued a
13 laptop and then when they got into the course we would give them a CD
14 containing soft copy of all of our lessons, the PowerPoints. They
15 also had soft copy of all the doctrine and FMs we would be going
16 through and for select materials we would actually give them hard
17 copy doctrine and publications.

18 Q. What Army regulations, do you remember, was PFC Manning
19 provided during this period?

20 A. Off the top of my head he was provided the worldwide
21 equipment guides, both copies one and two. He was provided a
22 symbology handout and AR 380-5 were the main hard copy versions given
23 out.

1 Q. Did you present in this period of instruction to the AIT
2 student?

3 A. I did.

4 Q. What was the organization of this PowerPoint?

5 A. The PowerPoint would start off with this is what the block
6 of instruction is going to be. We would then move into basic
7 administrative data for the classroom, what to do in case of fire,
8 what to do in case of flood and that kind of deal. We then go into
9 an agenda slide over what we would be covering for the block of
10 instruction and then go into the lesson plan itself.

11 Q. Are there any unique characteristics about this PowerPoint
12 that would help you identify it as coming from AIT?

13 A. Yes, there are.

14 Q. What are those characteristics?

15 A. Some of the base characteristics we had for our slides is
16 in the upper left-hand and right-hand corner we had the MI crest and
17 unit symbol. Prior to December of 2008, the slides were just
18 horribly formatted, text different sizes, different fonts, titles
19 just jumping all around the place.

20 ATC[CPT WHYTE]: Let the record reflect I'm retrieving
21 Prosecution Exhibit 52 for Identification [retrieving PE 52 for ID].

22 Let the record reflect I'm handing the witness Prosecution
23 Exhibit 52 for Identification [handing PE 52 for ID to the witness].

1 Questions continued by the assistant trial counsel [CPT WHYTE]:

2 Q. Mr. Moul, please look at that document and let me know when
3 you're finished.

4 [There was a pause while the witness reviewed PE 52 for ID.]

5 Q. Are you familiar with this document?

6 A. I am.

7 Q. What is this document?

8 A. This is a hard copy of the PowerPoints that we provide to
9 the students.

10 Q. What characteristics about this document help you identify
11 it as coming from AIT?

12 A. Again, the big giveaways are the MI crest and unit symbol
13 up in the upper left-hand and right-hand corners. The MI symbol in
14 the center, the *Ad Arcana Tutanda*, and again the basic formatting
15 issues throughout the slide show.

16 Q. Is the organization of this PowerPoint consistent with your
17 memory?

18 A. Yes, it is.

19 ATC[CPT WHYTE]: Your Honor, at this time we offer Prosecution
20 Exhibit 52 for Identification into evidence.

21 MJ: Any objection?

22 ADC[MAJ HURLEY]: No objection.

23 MJ: May I see it, please?

1 [PE 52 for ID was handed to the military judge.]
2 Prosecution Exhibit 52 for Identification is admitted.
3 ATC[CPT WHYTE]: Your Honor, at this point request permission to
4 publish the exhibit for the Court.
5 MJ: Proceed.
6 [PE 52 was published to the Court.]
7 **Questions continued by the assistant trial counsel [CPT WHYTE]:**
8 Q. So Mr. Moul, according to slide number ----
9 Your Honor, can we have a moment?
10 MJ: Do you need a recess?
11 ATC[CPT WHYTE]: Yes, ma'am. Brief recess.
12 MJ: Ten minutes.
13 ATC[CPT WHYTE]: Yes, ma'am.
14 **[The witness was duly warned, temporarily excused due to the recess**
15 **and withdrew from the courtroom.]**
16 MJ: Court's in recess.
17 **[The court-martial recessed at 1430, 4 June 2013.]**
18 **[The court-martial was called to order at 1444, 4 June 2013.]**
19 MJ: Court is called to order.
20 Major Fein, would you like to account for the parties?
21 TC[MAJ FEIN]: Yes, ma'am. All parties when the Court last
22 recessed are again present with the addition of Captain Overgaard.
23 MJ: Thank you. Proceed.

1 ATC[CPT WHYTE]: United States calls Mr. Moul.
2 TROY MOUL, Civilian, was recalled as a witness for the government,
3 was reminded of his previous oath and testified as follows:

4 DIRECT EXAMINATION

5 Questions by the assistant trial counsel [CPT WHYTE]:

6 Q. Mr. Moul, according to slide number 7, what training was
7 PFC Manning provided on classification designations?

8 A. He was trained in accordance with Army Regulation 380-5 up
9 there about the different levels of classification.

10 Q. And slides 8 and 9, what was he taught about the
11 classification process?

12 A. Again coming from AR 380-5, he was taught what an
13 originating authority is, who that person is, what they can and can't
14 decide, what they can and can't classify and then who can and cannot
15 declassify information.

16 Q. Slide 12 through 16. What training was PFC Manning
17 provided on classification markings?

18 A. He was trained on how to mark both hard copy and soft copy
19 documents, visible at the top and bottom of every page. Ensuring the
20 classification is readily available, paragraph markings, bullet
21 markings for slides, document protection. The BSF series of
22 documents for the front and back cover of a printed document as well
23 as stickers that would go on electronic media.

1 Q. Slide 21, what training was PFC Manning provided on
2 declassification?

3 A. Again, in according with AR 380-5 the entire class was
4 informed that only an originating authority could declassify material
5 and then that there are four different levels of review that a
6 document would fall under.

7 Q. And according to slide 22, how are students tested on these
8 different classification levels?

9 A. This is an example of one of the student checks that would
10 take place throughout the block of instruction. These were really to
11 make sure that the students were actually following along with us and
12 staying with us and, more than anything else since this was a
13 PowerPoint heavy part of the classroom, staying awake with us. These
14 questions would come up. The student was chosen at random to answer
15 the question, practical exercises were conducted later in the course
16 and then an examination was the culmination for this block of
17 instruction.

18 Q. According to slide 26, what training was PFC Manning
19 provided on what is required for someone to be given access to
20 classified information?

21 A. Again, according to the AR, the verification that they had
22 a security clearance, they had a need to know and that an SF 312 had
23 been signed by the individual requesting access.

1 Q. According to slide 31, what training was PFC Manning
2 provided on who is responsible for protecting classified information?

3 A. As the title up there shows, it's every individual's
4 responsibility that has access.

5 Q. And slide 38, what training was he provided on how to store
6 classified information?

7 A. He was trained in accordance with the GSA standards that
8 have been approved through AR 380-5 for safes and containers and the
9 transfer of the materials and whatnot.

10 Q. And slide 47 and 48, what training was he -- did he receive
11 on labeling media devices?

12 A. Again, he was informed, as well as the rest of the class
13 was informed, that anything that fell under this list or anything
14 that fell under electronic media had to ensure that these stickers
15 were readily prevalent on the media. Example, the screens on the
16 court reporter's desk would have to have the green sticker since they
17 are unclassified, readily visible on the computer screen.

18 Q. Slide 53 and 54, what training was he provided on how to
19 transport classified information?

20 A. He was instructed about the courier system as well as how
21 to send media through either electronic means, e-mail or in this case
22 the registered mail with the US postal office and actually certified
23 mail and sending something in hard copy.

1 Q. Now, let's talk about operational security. According to
2 slide 71 and 72, what training was PFC Manning provided on the type
3 of information we withhold from our enemies?

4 A. He was trained that anything that the enemy can use or
5 piece together to use against us will be stuff that they want to
6 protect and not let out.

7 Q. On slide number 72, can you please read some of the
8 examples of critical information we withhold from our enemies?

9 A. Photos, installation maps with highlights of designated
10 points of interest, sleeping and working areas, commanders'
11 facilities, dining facility, our standard operating procedures, our
12 tactics, techniques and procedures, unit capabilities and intent, the
13 morale of our unit and basic personal or familial information about
14 the Soldier themselves.

15 Q. According to slide number 73, what training was PFC Manning
16 provided about the dangers of putting information on the internet?

17 A. They were informed that, you know, the web's open to
18 anybody hence the blue bar down below. Remember it's called the World
19 Wide Web for a reason. Anybody that has access to the internet can
20 see any of the information that's on the internet. And it's just --
21 it was really pertinent to make sure that whatever one was releasing
22 on the internet was not something that could be used against them or
23 against a military organization.

1 Q. And what examples did you provide PFC Manning about how
2 posting information on the internet can be helpful to the enemy?

3 A. Well, the biggest example I would use here to ensure that
4 the younger individuals coming to the class or the uneducated in the
5 military would understand is your mother's maiden name, your date of
6 birth and Social Security number. While separate they can't do a
7 whole lot of damage, but when you take the three of them and put them
8 together, somebody else can open a line of credit in your name, mess
9 up your credit score. They can start doing bad things against your
10 name, your personal reputation. So this is -- that was the example
11 you see here. Think about some of this information like this, you
12 know, if your mother's maiden name and Social Security got out there,
13 if you say something similar to the effect of, "My unit, Alpha
14 Company whatever, we're going to board this plane at this airport at
15 this time," an enemy can get ahold of that, use that information and
16 plan an attack against that airline or that airport or the unit.

17 Q. And what training was PFC Manning provided about the
18 consequences of compromising classified information?

19 A. We ensured that the Soldiers went through the SF 312, the
20 Non-Disclosure Agreement, and according to that document disclosing
21 classified information or disclosing ----

1 ADC[MAJ HURLEY]: Ma'am, we would object as to the relevance of
2 the penalties that Mr. Moul understands might flow from disclosure of
3 classified information.

4 MJ: Why?

5 ADC[MAJ HURLEY]: Ma'am, I don't believe it's relevant.

6 ATC[CPT WHYTE]: Your Honor, the United States' position is it's
7 relevant to the wanton element of Specification 1 of Charge II.

8 MJ: He's going over what's on the non-disclosure form, right?
9 His testimony is about what he told the class; is that correct?

10 ATC[CPT WHYTE]: Yes, ma'am.

11 MJ: Overruled.

12 **Questions continued by the assistant trial counsel [CPT WHYTE]:**

13 Q. You can continue, Mr. Moul.

14 A. Again, in the class what we went over with the SF 312 was
15 the fact that any knowing disclosure of classified information could
16 lead to 10 years imprisonment and/or \$10,000 fine.

17 Q. How were students tested on this period of instruction
18 about protecting classified information?

19 A. The block of instruction culminated in a 1 hour, 30
20 question multiple choice examination.

21 Q. What grade did students have to receive in order to pass
22 this test?

23 A. Eighty percent or better.

1 Q. Did everybody have to pass the test?

2 A. Yes, they did.

3 Q. What happened if someone failed it?

4 A. If they failed the initial examination, they were counseled
5 by the green suitors. They received retraining from their
6 instructors and given a secondary chance to pass a different version
7 of the examination.

8 Q. What happened if someone failed it again?

9 A. If they failed it again, at that point the Soldier, their
10 information would be turned over to the green suiters again. The
11 green suiters or the military instructors at the time would put
12 together a recycle or relief packet and then present it forward to
13 the OIC, the officer in charge, at that time would make a
14 determination as to whether or not the individual would be given a
15 third chance with the class they were with, if they would be recycled
16 to the next available class to attend the training again and get a
17 chance at both tests, or if they would be relieved from the course
18 and given the opportunity to do a different MOS.

19 Q. Did PFC Manning have to pass the test to graduate?

20 A. Yes, he did.

21 Q. Did PFC Manning graduate?

22 A. He did.

23 Q. Are you familiar with the school's policy on attendance?

1 A. I am.

2 Q. Can you explain that policy?

3 A. According to the student evaluation plan, a student can
4 miss no more than seven and a half consecutive hours of one block of
5 instruction or 15 and a half cumulative hours within a block of
6 instruction.

7 ATC[CPT WHYTE]: At this time let the record reflect that
8 Prosecution Exhibit Number 52 has been removed from display.

9 **Questions continued by the assistant trial counsel [CPT WHYTE]:**

10 Q. So now let's just talk about lesson number 3. How did you
11 present this block of instruction to the AIT students?

12 A. Like all of the rest of the blocks of instruction, it was
13 in PowerPoint format and as the slides would come up we would talk
14 about the slides to the students or get a discussion going as to what
15 the material was on there.

16 Q. What was the organization of this PowerPoint?

17 A. Just like the rest of the slides, it would start off with
18 the title slide as the block of instruction, go through the
19 administrative data, go through the agenda, go through the safety
20 data and get into the actual block of instruction.

21 Q. Are there any unique characteristics about this PowerPoint
22 that would help you identify it as coming from AIT?

23 A. Yes, there are.

1 Q. What are those characteristics?

2 A. The same characteristics that would have been on or were on
3 the information security slides, the crest in the upper left-hand,
4 right-hand corner, the font colors used, the general jaggedness of
5 the format of the slides.

6 ATC[CPT WHYTE]: Retrieving Prosecution Exhibit 51 for
7 Identification [retrieving PE 52 for ID from the court reporter] and
8 handing Prosecution Exhibit 51 for Identification ----

9 MJ: Hold on just a minute.

10 [Pause.]

11 ATC[CPT WHYTE]: And let the record reflect I'm handing
12 Prosecution Exhibit Number 51 for Identification to the witness
13 [handing PE 51 for ID to the witness].

14 [Examination of the witness continued.]

15 Q. Mr. Moul, please look at that document and let me know when
16 you're finished.

17 [There was a pause while the witness reviewed PE 51 for ID.]

18 A. I'm good, sir.

19 Q. Are you familiar with this document?

20 A. I am.

21 Q. What is this document?

22 A. This is an excerpt from the third lesson that we went over.

1 Q. What characteristics about this document help you identify
2 it today?

3 A. Again the crest in the upper left-hand, right-hand corner,
4 some of the pictures are still prevalent and used, the lesson plans
5 that we were teaching up until the time I left and again the general
6 formatting issues throughout it.

7 ATC[CPT WHYTE]: Your Honor, at this time we offer
8 Prosecution Exhibit 51 for Identification into evidence.

9 ADC[MAJ HURLEY]: No objection.

10 MJ: May I see it, please?

11 [PE 51 for ID was handed to the military judge.]

12 MJ: Prosecution Exhibit 51 for Identification is admitted.

13 ATC[CPT WHYTE]: Your Honor, we request permission to publish
14 this exhibit for the Court.

15 MJ: Proceed.

16 [PE 51 for ID was published to the Court.]

17 **Questions continued by the assistant trial counsel [CPT WHYTE]:**

18 Q. Mr. Moul, according to slide 216 through 219, what training
19 did PFC Manning receive on the background of terrorist organizations?

20 A. PFC Manning and the class received some macro information
21 about some prominent terrorist organizations, al-Qaeda being one of
22 them. The others being Ansar al-Islam, Ansar-al Sunna and al-Qaeda
23 in Iraq.

1 Q. How did PFC Manning use this material later in the course?

2 A. The material that was provided here was referenced to,
3 again, in the lesson 7, I think it was, the evaluate the threat, the
4 IPB step portion of the classroom.

5 Q. What did students have to do with the information that they
6 learned previously in R3?

7 A. Again, some of the macro information that was presented
8 here was to let them know why the different organizations did what
9 they did and how they did what they did. When we got into that IPB
10 step 3, the evaluate the threat, base information about possible
11 threat groups in their area of operations was presented to them and
12 they would have to then draw conclusions as to which of the groups
13 that may be operating inside their AO.

14 Q. So according to the slide 220 through 223, what training
15 did PFC Manning receive on terrorist recruiting efforts?

16 A. They received the base training, the different types of
17 recruiting utilized by terrorist organizations, they received
18 information about willful recruiting and unwillful recruiting as well
19 as how some organizations, particularly in the al-Qaeda in Iraq
20 organization here would utilize events happening within the country
21 to recruit followers from within that area that they're in.

22 Q. Mr. Moul, would you please read slide 223 for the record?

1 A. Over the last 10 years the number of terrorist sites has
2 jumped from less than 100 to as many as 4,000. Many insurgency
3 groups have many sites and message boards to help their network.

4 ATC[CPT WHYTE]: Thank you. Let the record reflect prosecution
5 Exhibit 51 has been removed from the display.

6 Mr. Moul, let's just briefly talk -- let the record reflect
7 I'm retrieving from the witness prosecution Exhibit Number 51.

8 **Questions continued by the assistant trial counsel [CPT WHYTE]:**

9 Q. So Mr. Moul, just lastly let's focus on the field training
10 exercise that you spoke about earlier.

11 A. Okay.

12 Q. How long is this field training exercise?

13 A. It was 10 days in the actual field exercise with 3 days of
14 prep work.

15 Q. Can you describe this field exercise?

16 A. It was, again, located in the field at site Maverick and
17 was a simulated deployment the students would go through.

18 Q. And how were the students broken up in this field training
19 exercise?

20 A. Each classroom was broken up into an individual TOC there
21 at the site. The TOCs were then divided into two shifts of 12 hours
22 a piece, and then those shifts were further broken down into one of
23 four different cells within the TOC.

1 Q. And what were those cells?

2 A. They were the operation cells, targeting cells, fusion cell
3 and ISR cell.

4 Q. How often would students rotate between these different
5 sections?

6 A. Every two to three days or so depending on how the work
7 flow was going.

8 Q. One of the cells you named was operation cell. What was
9 the operation cell?

10 A. The operation cell was responsible for the current fight
11 that was going on. They were to ensure that everyone within the TOC
12 understood the messages that were coming across and to ensure that
13 those -- the other three cells actually got those messages.

14 Q. Did PFC Manning work in this group?

15 A. Yes, he did.

16 Q. What was the ISR cell?

17 A. The ISR cell were the individuals responsible for
18 collecting that information that needed to be known in order to fill
19 in those gaps we had.

20 Q. Did PFC Manning work in this group?

21 A. Yes, he did.

22 Q. What about the targeting cell? What was that?

1 A. Their purpose was again to either lethally or non-lethally
2 remove some kind of a threat from the AO.

3 Q. Did PFC Manning work in this group?

4 A. Yes.

5 Q. And lastly, what about the fusion cell? What was the
6 fusion cell?

7 A. They were the cell responsible for bringing together all of
8 the materials from the other cells, fusing it into a product that was
9 ready to be briefed as well as looking at the future fight, what the
10 threat groups were doing, the types of operations they were
11 conducting and what were going to be the most likely kind of attacks
12 that our unit could expect to see in the next 12, 24 or 48 hours.

13 Q. Did PFC Manning work in this cell?

14 A. Yes, he did.

15 Q. How would you describe PFC Manning as a student at AIT?

16 A. As a student he was very quiet, very reserved. Did not
17 have, that I saw at least in the classroom, a lot of interaction with
18 the other students. He was very studious, always full of questions.
19 It was -- it actually got difficult at times to continue with the
20 instruction because he was always asking well, "Why is that? What if,
21 what's the meaning behind something," to better understand what we
22 were teaching.

23 Q. At AIT did you ever counsel PFC Manning?

1 A. Officially, no. Contractors are not allowed to counsel.

2 But I did sit in a counseling that was done by a green suiter for
3 him.

4 Q. What was his counseling for?

5 A. It was for an operational security violation.

6 Q. Can you explain that operational security violation?

7 A. Some students came to me and said, "Sir, you may want to
8 check this out. There's a video on YouTube with PFC Manning
9 explaining what we're doing." So I took that information to my tech
10 guy. We pulled up the video, verified that it was PFC Manning on the
11 video and then turned that material over to the OIC to handle.

12 Q. Can you describe -- did you watch this video?

13 A. I did.

14 Q. Can you describe what this video consisted of?

15 A. Again, the majority consisted of Private Manning's face and
16 him kind of talking to the camera, explaining what he was going
17 through at the schoolhouse, some of the materials we would be
18 covering, some of the base unclassified information that we provided
19 on day one was pretty much what he was going through.

20 Q. During this counseling session, what was Manning taught,
21 what was he told -- PFC Manning?

22 A. That he would be performing an operational security
23 briefing for the classroom.

1 ATC[CPT WHYTE]: No further questions, Your Honor.

2 MJ: Cross?

3 **CROSS-EXAMINATION**

4 **Questions by the assistant defense counsel [MAJ HURLEY]:**

5 Q. Let's talk about that video, the last thing that you
6 covered, Mr. Moul. You were the first AIT instructor to see this
7 video?

8 A. As far as I know, yes.

9 Q. And it was posted to YouTube?

10 A. Correct.

11 Q. And you said it contained an image of PFC Manning?

12 A. He was in the video, yes.

13 Q. Talking about his life at AIT?

14 A. Correct.

15 Q. And what he was studying there?

16 A. What he was studying, what he would be learning, yes.

17 Q. And there were use of sensitive terms?

18 A. It was all unclassified what he was saying. There was no
19 actual security violation in terms of information security.

20 Q. He used the term SCIF; is that right?

21 A. Yes.

22 Q. And he talked about the class schedule?

23 A. Correct.

1 Q. As you just indicated those are unclassified items?

2 A. Correct, they are unclassified.

3 Q. At the time that -- do you recall month and year when this

4 occurred, you saw the video and you went through the process you just

5 described?

6 A. This was relatively early on in the cycle, so it would be

7 towards the spring portion of it. If I remember correct, he

8 graduated in August so this would have been May -- mid-May timeframe.

9 Q. So, at this time, PFC Manning had not received the block

10 instruction that you went over in such detail with ----

11 A. Yes, he did.

12 Q. He had received it at that point?

13 A. Correct.

14 Q. But he hadn't been given any classified information?

15 A. He had not been privy to classified at that moment, no.

16 Q. Mr. Moul, getting to this topic of AIT instruction

17 generally. There was a lot of information over the course of that 4-

18 month period given to these AIT students?

19 A. Correct.

20 Q. And you said you were a Marine from 2001 to 2005?

21 A. 2000 to 2005, yes.

1 Q. Well, in the Army, sometimes Army instructions comes with
2 this caveat that it's like drinking water from a fire hose. Have you
3 ever heard that expression?

4 A. Very familiar with the expression.

5 Q. There was a lot of water coming out of this hose. You
6 would agree with that?

7 A. I would, yes.

8 Q. In fact, by last count I think he got up to 260 slides in a
9 particular block of instruction?

10 A. Correct.

11 Q. Now, towards the end of your conversation with Captain
12 Whyte you talked about your personal observations of PFC Manning?

13 A. Uh-huh.

14 Q. And then you taught hundreds of AIT students?

15 A. Yes, I have.

16 Q. It's safe to say that you don't remember them all?

17 A. Not all of them, no.

18 Q. But you do remember PFC Manning?

19 A. Yes, I do.

20 Q. And you remember his relationships with fellow AIT
21 students?

22 A. I do. Yes.

23 Q. To use your word, PFC Manning seemed like a loner?

1 A. Yes. Yes, he did.

2 Q. And he appeared not to have many friends?

3 A. Correct.

4 Q. You also knew that PFC Manning was the butt of jokes.

5 A. Yes, I do.

6 Q. And, in fact, he was the butt of jokes in front of the

7 whole class?

8 A. Yes, he was.

9 Q. To a point that you at one point had to intervene and

10 admonish the rest of the AIT students that they should stop joking in

11 this manner?

12 A. Correct.

13 Q. Let's get back to the video. You were concerned about the

14 video?

15 A. Yes, I was.

16 Q. And you directed your concerns to uniformed members of the

17 AIT staff?

18 A. Yes, I did.

19 Q. But it appeared that this, that Chief Hess ----

20 A. Chief Hess.

21 Q. That he wasn't going to do anything about this?

1 A. It appeared to me that he would do what he wanted to and
2 whether that meant actually punishing Private Manning or letting it
3 go, the decision was his. I had done my duty, yes.

4 Q. But you thought something should be done?

5 A. I did think that at the very least a counseling, a
6 conversation should be held, "Hey, you know, this is kind of
7 broaching a topic you don't want to do that, this could lead to bad
8 things, don't do it again," kind of conversation.

9 Q. And it was your idea that corrective training be done?

10 A. Yes.

11 Q. And the corrective training in this instance was PFC
12 Manning would teach a class?

13 A. Correct.

14 Q. Now, this class was given?

15 A. As far as I know, yes, it was.

16 Q. You weren't present?

17 A. I was not present for the class, no.

18 Q. Now, just getting back to the time period that this
19 instruction that you went over with Captain Whyte was given, you said
20 that must have occurred in April or May of 2008?

21 A. It would have been the very first day that they were
22 actually in the classroom for a full day, yes.

23 Q. So it was April of 2008?

1 A. Correct.

2 Q. And over the course of time, I guess, to -- I just want to
3 use your expression correctly -- at the time this block of
4 instruction was still in the verification and vetting process?

5 A. The entire period of instruction from lessons 1 through 14,
6 yes.

7 Q. That was in the verification and vetting process?

8 A. That was in the verification and vetting process.

9 Q. But operational security was not in the verification and
10 vetting process?

11 A. Correct. It had already been finalized. What was taking
12 place was doctrine was changing so quickly down range with the two
13 battles that we had going on in Iraq and Afghanistan, that the meat
14 and potatoes of the course, the IPB process, the information -- or
15 the excuse me, the ISR portion of the school, the dissemination of
16 information, the briefing and research, all of lessons 3 through 13
17 were in such disarray and change and doctrinal issues that we would
18 have to every couple of months attempt to update that in order to
19 stay current with what's going on. Information security, there was
20 really no changes to that because it's based off of a doctrine that
21 been published for, I'm not sure of the publication off the top of my
22 head actually, but it's been the same for a few years now.

23 Q. Sure.

1 A. And there was no change to that part.

2 Q. And at the time it was a 3-day block of instruction?

3 A. Correct.

4 Q. So you went through some instruction one day?

5 A. Uh-huh.

6 Q. And then another day?

7 A. Uh-huh.

8 Q. And then the third day was when the test was?

9 A. Correct. The afternoon of the third day.

10 Q. One, two, three?

11 A. Yes, sir.

12 Q. And the instruction that you gave for this block of

13 instruction as you indicated Captain Whyte, this was this was with

14 PowerPoint?

15 A. It was with PowerPoint, yes.

16 Q. Exclusively with PowerPoint?

17 A. The instruction was from PowerPoint it would be me talking

18 to slides or relaying the information and materials were provided for

19 reference to the Soldiers, yes.

20 Q. Let's talk about WikiLeaks. WikiLeaks was not mentioned in

21 your instruction at all?

1 A. Correct. I will be honest with you, I never even heard the
2 term WikiLeaks until I was informed that the accused had been
3 arrested for the incident he's been accused of.

4 Q. So it wasn't mentioned in terms of this is a site where the
5 enemy goes to get its information?

6 A. Correct. WikiLeaks was not mentioned by name.

7 Q. Thanks.

8 ADC[MAJ HURLEY]: Nothing further.

9 MJ: Redirect?

10 ATC[CPT WHYTE]: Give me 5 seconds, please.

11 **REDIRECT EXAMINATION**

12 **Questions by the assistant trial counsel [CPT WHYTE]:**

13 Q. Just two questions for you, Mr. Moul. Were students
14 provided this PowerPoint in addition to your instruction?

15 A. They were provided a student copy of the PowerPoints, yes.

16 Q. During your instruction, did you mention that the enemy
17 uses the internet to collect intelligence on the United States?

18 ADC[MAJ HURLEY]: Objection, leading.

19 MJ: Overruled.

20 A. I'm sorry, say the question again, please.

21 Q. Did you instruct the students that the enemy uses the
22 internet to collect intelligence on the United States?

23 A. We did, yes.

1 Q. Thank you.

2 MJ: Anything else?

3 ADC[MAJ HURLEY]: No, ma'am.

4 MJ: Temporary or permanent excusal?

5 ATC[CPT WHYTE]: Temporary, Your Honor.

6 [The witness was duly warned, temporarily excused and withdrew from
7 the courtroom.]

8 ATC[CPT OVERGAARD]: The United States calls Mr. Brian Madrid.

9 BRIAN MADRID, Civilian, was called as a witness for the government,
10 was sworn and testified as follows:

11 DIRECT EXAMINATION

12 Questions by the assistant trial counsel [CPT OVERGAARD]:

13 Q. You are Brian Madrid of Buckeye, Arizona?

14 A. Yes, ma'am.

15 Q. What is your current military status, Mr. Madrid?

16 A. I'm active duty retired.

17 Q. When did you retire from the military?

18 A. 1 September 2010.

19 Q. How long did you serve in the military?

20 A. 22 years, 22 days.

21 Q. What was your rank when you retired?

22 A. Sergeant First Class, E7.

23 Q. What was your MOS?

1 A. 35 Tango.

2 Q. What does it mean to be a 35 Tango?

3 A. That is electronic warfare, intelligence maintainer and
4 integrator.

5 Q. What does that mean?

6 A. That means I work on preparing and deploying all the
7 military intelligence systems, network. I work on their PDAs,
8 laptops, computers, things of that nature.

9 Q. Did you do that for the entire 22 years ----

10 A. Yes, I did.

11 Q. ---- and 22 days?

12 A. Yes.

13 Q. What was your final position when you left the military
14 when you retired?

15 A. I was an AIT, which was Advanced Individual Training,
16 platoon sergeant.

17 Q. Where was that?

18 A. At Fort Huachuca, Arizona.

19 Q. What is AIT?

20 A. Advanced Individual Training.

21 Q. What is the purpose of AIT?

1 A. The purpose of AIT is to give the newly trained Soldier out
2 of basic training their career training, their military occupational
3 specialty training.

4 Q. What military occupational specialty or MOS was being
5 trained at the AIT where you worked?

6 A. I was in charge of training 35 Foxtrots, which are military
7 analysts.

8 Q. And what type of training did you receive to become a
9 platoon sergeant at AIT?

10 A. We had a month-long platoon sergeant's training course at
11 Fort Huachuca, Arizona.

12 Q. How long were you the platoon sergeant at AIT?

13 A. Roughly 2 years and 4 months.

14 Q. Do you remember when that was?

15 A. It was between February of '08 to June of 2010.

16 Q. What were your responsibilities as the platoon sergeant?

17 A. My responsibilities were everything that encompassed the
18 Soldier when they were out of the schoolhouse. We ran ranges. I was
19 responsible for them from the time they woke up until the evening. I
20 arranged their appointments to make sure they got to their
21 appointments, anything medical, in-processing, out-processing,
22 everything that didn't encompass the schoolhouse.

23 Q. How many platoons have you had at AIT?

1 A. I was involved with roughly eight.

2 Q. Was the MOS of all of the Soldiers the same in all of those

3 platoons?

4 A. Yes, they were all 35 Foxtrots, military intelligence

5 analysts.

6 Q. How many students were in each platoon?

7 A. Before the surge it was anywhere between 140 to 180. After

8 the surge it was 180 to 225.

9 Q. Mr. Madrid, do you know the accused in this case?

10 A. Yes, I do.

11 Q. How do you know him?

12 A. I was his AIT platoon sergeant.

13 Q. Do you know when he attended the 35 Fox AIT?

14 A. From April to August of 2008.

15 Q. And you remember -- how do you remember him out of the

16 thousands of 35 Foxes you had at AIT?

17 A. I had a couple discussions with him. He was asking me

18 about my job, which is a 35 Tango. We were talking about networking

19 a couple of times and there was a couple of times that I had to

20 counsel him.

21 Q. Was there anything significant about his particular class?

1 A. Significant in which -- oh, yeah. Well, by -- his class
2 was actually my first -- first class that I had actually taken the
3 reins on by myself.

4 Q. And how often did you talk or how often did you see him?

5 A. Usually on a daily basis in either passing in the hallway
6 or in formation.

7 Q. And how often did you interact?

8 A. Possibly once a week if, you know, if I didn't see him in
9 the hallway or anything of the such.

10 Q. Are you familiar with the instruction that students receive
11 at AIT?

12 A. Yes, I am familiar.

13 Q. How are you familiar with it?

14 A. I -- we were -- after I took on being the platoon sergeant,
15 our commander ordered us to actually attend some of the course
16 classes that the students were going through so we have a grasp of
17 what they were doing because most of us weren't 35 Foxtrots.

18 Q. Did you attend classes in every course?

19 A. Yes, ma'am.

20 Q. Every cycle of students that went through?

21 A. We were required to attend at least one hour a week of
22 class time.

23 Q. What was the first class?

1 A. The first class was information security or INFOSEC.

2 Q. At AIT did PFC Manning -- did he ever need any corrective

3 raining?

4 A. Yes, he did, ma'am.

5 Q. Do you remember what that was for?

6 A. That was for -- he was -- there was an incident where he

7 was posting videos on YouTube of, you know, personal videos on

8 YouTube. And he was giving -- using buzz words like Top Secret and

9 classified materials, Top Secret buildings and words like that.

10 Q. Do you know where that video was filmed?

11 A. I only saw one of the videos and it appeared that he was in

12 his barracks room at the time.

13 Q. Were you concerned when you viewed the video?

14 A. Yes, it brought up a red flag.

15 Q. Why was that?

16 A. Because you're generally not supposed to tell people that

17 you have a Top Secret security clearance or use buzz words like that

18 over an open source.

19 Q. What happened after you saw the video? What did you do?

20 A. We brought Manning in. I did initial counseling. I took

21 the counseling up to the command and we also notified the security

22 personnel.

23 Q. Did you do any sort of corrective training?

1 A. Yes, after the incident went up to the chain of command it
2 came back down. Then I was instructed to have him do some corrective
3 training and what I had him do is write a report. He presented me
4 with a slide show and report. And basically what we would do is
5 every Friday we would have a company formation and he presented that
6 at the Friday company formation.

7 Q. How do you remember all of that?

8 A. It was my first time having to deal with this type of
9 thing. First and only time, really.

10 Q. Let's start with the PowerPoint. What was the PowerPoint
11 on?

12 A. It was on information security.

13 Q. And do you remember when the accused gave you the
14 PowerPoint portion of the corrective training?

15 A. It was around 11 June 2010. I'm sorry, excuse me, 2008.

16 Q. Okay. How do you know it was 11 June?

17 A. Because it was, he had to give the presentation on the 13th
18 of June. It was the Friday -- that's where our Friday formation was
19 going to be.

20 Q. Would you remember that PowerPoint again if you saw it?

21 A. Yes, ma'am.

1 ATC[CPT OVERGAARD]: Retrieving Prosecution Exhibit 25 for
2 Identification [retrieving PE 25 for ID from the court reporter and
3 handing it to the witness].

4 **Questions by the assistant trial counsel [CPT OVERGAARD]:**

5 Q. Do you recognize that?

6 A. It looks familiar, ma'am. Yes, I do.

7 Q. And how do you recognize it?

8 A. Because it was the one that Private Manning had presented
9 to me.

10 Q. So do you know if he prepared it or not?

11 A. I am -- to my knowledge he did. It was the one presented
12 to me. It was supposed to be -- it was indicated in the counseling
13 that it was supposed to be original work, so.

14 Q. What's the date on that document?

15 A. Friday, 13 June 2008.

16 Q. Whose name is on the front of it?

17 A. Private Manning, Bradley.

18 Q. Is that an accurate representation of the PowerPoint that
19 you remember him giving you at AIT?

20 A. Yes, ma'am.

21 ATC[CPT OVERGAARD]: Your Honor, we offer into evidence
22 Prosecution Exhibit 25 for Identification as Prosecution Exhibit 25.

23 CDC[MR. COOMBS]: No objection.

1 MJ: May I see it, please?

2 [PE 25 for ID was handed to the military judge.]

3 Prosecution Exhibit 25 for Identification is admitted.

4 ATC[CPT OVERGAARD]: Permission to publish, ma'am?

5 MJ: Go ahead.

6 [PE 25 was published to the Court.]

7 **[Examination of the witness continued.]**

8 Q. What was the corrective training brief called?

9 A. Operations Security, ma'am, which is OPSEC.

10 Q. And what topics did that briefing cover?

11 A. The definition of OPSEC, types of OPSEC information, common
12 OPSEC violations, protections from adversaries and a conclusion.

13 Q. And how did the accused define OPSEC for you in the
14 definitions?

15 A. It defined it -- he defined it as operation -- protection
16 of information which includes information on public assets, military
17 assets, personnel, families of personnel and matters of national
18 security.

19 Q. What types of information needed to be protected according
20 to the slide show?

21 A. Unclassified information would be dates, times, locations
22 and names, and FOUO, for official use only, mission-critical
23 information capabilities and vulnerabilities.

1 Q. Was that taught during the OPSEC portion of AIT?

2 A. Yes, ma'am.

3 Q. What does this slide tell us?

4 A. It tells us that I guess he's trying to express the dates
5 and times of certain events and information about certain events such
6 as large groups, public, military personnel, Department of Defense
7 civilians, contractors, officials which include high ranking NCOs,
8 commanders, VIPs which include politicians and diplomats. That the
9 dates and times of their schedule should be kept confidential or not
10 disclosed to the general public in order for security purposes.

11 Q. And was that taught at AIT?

12 A. Yes, ma'am.

13 Q. What does this slide tell us?

14 A. That the location of information should be of government
15 facilities to include public buildings, government agencies, military
16 installations which include the secure facilities on the
17 installations, weapons and equipment, training locations and barracks
18 should be kept confidential or non-disclosed from the enemy -- from
19 the public -- general public for security concerns.

20 Q. Was that also taught at AIT?

21 A. Yes, ma'am.

22 Q. How about the next slide?

1 A. Individual information, personal information such as names,
2 date of birth, addresses, Social Security numbers, credit information
3 and family members shall also be kept confidential and not released
4 to the public.

5 Q. Was that also taught at AIT?

6 A. Yes.

7 Q. How about this slide?

8 A. Official information such as methods that we use to gather
9 intelligence, equipment we use which are weapons, vehicles, our
10 capabilities of those weapons and vehicles, our vulnerabilities and
11 general mission critical information should not be disclosed.

12 Q. Was that taught at AIT as well?

13 A. Yes, ma'am.

14 Q. What does this slide talk about?

15 A. Adversaries, possible adversaries to the U.S. Government
16 which would be foreign governments which are rivals and enemies,
17 nongovernment organizations such as corporations, political groups,
18 terrorists, and anyone, you know, general public which are activists
19 and hackers are people that can be a threat to the U.S. Government.

20 Q. Was this taught to the accused as well?

21 A. Yes, ma'am.

22 Q. And before this brief?

23 A. Yes, ma'am.

1 Q. How about the next slide?

2 A. Common OPSEC leaks are, he's expressing the written sources
3 such as newspapers and magazines can be a leak, television, which
4 include news programs and documentaries can be a leak and especially
5 the internet due to the nature of our world, the technological nature
6 of our world they have discussion boards, chat rooms, social
7 networking and videos. All of these can be avenues of leaking
8 information.

9 Q. Was that also taught at AIT?

10 A. Yes, ma'am.

11 Q. Finally the next slide, what was PFC Manning's conclusion
12 on his PowerPoint?

13 A. To conclude he would avoid disclosure of information
14 through public conversations, because you can be heard. To avoid
15 -- watch what you say to journalists, watch what you post as far as
16 information goes on newsletters, flyers and especially the internet.
17 Use common sense because we have many enemies and we also have a free
18 and open society.

19 Q. Is that what 35 Foxes were taught at AIT?

20 A. Yes, ma'am.

21 Q. Finally, did you have any questions for PFC Manning after
22 he gave you the PowerPoint?

1 A. Generally, I wanted to know that he understood what he was
2 being -- why he was receiving corrective training and if he
3 understood the material and I truly believed that he was -- that this
4 isn't an avenue that he wants to go down, that this -- that
5 classified and confidential material should be safeguarded.

6 Q. And did he tell you whether or not he understood?

7 A. Yes, ma'am.

8 Q. What did he say?

9 A. He said, "I understood and it won't happen again."

10 Q. Did it happen again?

11 A. I believe so. That's why we're here right now, ma'am.

12 Q. Did he have any other INFOSEC violations at AIT?

13 A. Not that I'm aware of, not that I had to ----

14 Q. And did -- you mentioned the presentation in front of the
15 company as well?

16 A. Yes, ma'am.

17 Q. What information did that cover?

18 A. It covered -- it was a general -- it was pretty much this
19 class right here. It was, you know, watered down a little bit
20 because he didn't have the slides available because it was an outdoor
21 environment, but he gave the gist of the briefing.

22 Q. And he also mentioned a report. What was covered in the
23 report?

1 A. Yes, sir.

2 Q. Now, the coursework that was done in the classroom you say

3 you sat in on a couple of the hours of the course?

4 A. Yes, sir.

5 Q. You didn't sit on all of the hours?

6 A. Not all the hours, sir.

7 Q. When a student got done with his coursework and graduated,

8 they were the lowest level analyst that you could be at that point;

9 is that right?

10 A. That's a fair assessment.

11 Q. And basically any expertise that they might develop as an

12 analyst would be developed at their follow-up assignments?

13 A. That's a good assessment.

14 Q. Now, let's talk about the video. During AIT, PFC Manning

15 posted a few family and friend videos on YouTube, right?

16 A. Yes, sir.

17 Q. And you only watched one of those videos?

18 A. Yes, only one of them was viewable at the time.

19 Q. Wasn't it because -- you only saw one because YouTube was

20 blocked by your government computer?

21 A. YouTube was blocked by the government computer but the way

22 we viewed it is another student brought in his personal laptop to

23 show us the video.

1 Q. You had to borrow a computer from one of the students to
2 see the video?

3 A. Yes, sir.

4 Q. Then you showed the video to Captain Ogletree?

5 A. Yes, sir.

6 Q. The video did not talk about any classified information?

7 A. No. And he didn't disclose any classified information.

8 Q. He didn't talk about any operational security type
9 information?

10 A. No. Well, he did because he gave his schedule out. He was
11 giving his daily schedule out to ----

12 Q. What do you recall from the daily schedule part? What did
13 he say?

14 A. When he went to breakfast, when he went to school, when he
15 came home from school.

16 Q. All right. Just going to breakfast and school, that was
17 operational security?

18 A. Well, it was operational -- operational information.

19 Q. All right. Was that classified?

20 A. It was not classified.

21 Q. This video was from PFC Manning to his friends and family,
22 right?

1 A. I believe so. I don't know what the intended audience for
2 that video was.

3 Q. In addition to talking about breakfast times and going to
4 class, he also talked about life in the barracks?

5 A. Yes, sir.

6 Q. He talked about marching to class?

7 A. Yes, sir.

8 Q. Talked about how hard PT was?

9 A. Yes, sir.

10 Q. And in the video there was a word SCIF and Top Secret. He
11 used the words Top Secret?

12 A. Yes, sir, and security clearance.

13 Q. He didn't actually, as we discussed, discuss anything top
14 secret. He used that word?

15 A. No he did not. He was using the buzz words.

16 Q. And those buzz words alone are not classified?

17 A. They're not classified.

18 Q. Based on the video you thought corrective training would be
19 appropriate?

20 A. Yes, sir.

21 Q. And you said that he did this video, excuse me, the
22 PowerPoint presentation?

23 A. Yes, sir.

1 Q. Was that done to the whole class?

2 A. No, it was not given -- his -- he gave a verbal
3 presentation. He did not -- because he were outside, he didn't have
4 the ability to present his PowerPoint presentation.

5 Q. So he gave that PowerPoint presentation just to you?

6 A. Yes, sir.

7 Q. And then the verbal presentation to the class, that was
8 about 5 minutes, right?

9 A. Roughly 5 to 7.

10 Q. Okay, 5 to 7 minutes?

11 A. Yes, sir.

12 Q. And that was without the benefit of the PowerPoint?

13 A. Yes, sir.

14 Q. Now, in there, you know -- I looked -- you see the
15 PowerPoint presentation. Nowhere in there does it talk about places
16 where we have actual knowledge that the enemy goes to, correct?

17 A. Would you re ask?

18 Q. Does it list any particular web sites that we have actual
19 knowledge that the enemy goes to?

20 A. No, it does not.

21 Q. From your knowledge, did they instruct as to particular web
22 sites that the enemy actually went to?

23 A. No, they didn't. Not to my knowledge.

1 Q. Now, after doing the 5 minute class, 5 to 7 minute class,
2 PFC Manning was allowed then to continue with the course?

3 A. Yes, sir.

4 Q. And he ultimately graduated?

5 A. Yes, sir.

6 Q. Mr. Madrid, I thank you for your service and thank you.

7 A. Thank you very much, sir.

8 MJ: Redirect?

9 ATC[CPT OVERGAARD]: No, ma'am.

10 MJ: Temporary or permanent excusal?

11 ATC[CPT OVERGAARD]: Temporary.

12 **[The witness was duly warned, temporarily excused and withdrew from**
13 **the courtroom.]**

14 MJ: Counsel, how are we doing? Do we need a brief recess?

15 TC[MAJ FEIN]: We're good to continue.

16 CDC[MR. COOMBS]: Defense is fine.

17 MJ: Proceed. Call your next witness.

18 ATC[CPT WHYTE]: Your Honor, at this point United States offers
19 on the record one stipulation of expected testimony. This is
20 Prosecution Exhibit Number 36.

21 Stipulation of expected testimony of Staff Sergeant
22 Alejandro Marin, dated 30 May, 2013. It is hereby agreed by the
23 accused, defense counsel and trial counsel that if Staff Sergeant

1 Alejandro Marin were present to testify during the merits and
2 presentencing phases of this court-martial he would testify
3 substantially as follows:

4 Number 1. I, Staff Sergeant Alejandro Marin, am currently
5 deployed to Afghanistan as a counterintelligence analyst in the G2
6 intelligence section for the 333 Military Police Brigade. My
7 military occupation specialty MOS is 35 Lima, counterintelligence
8 agent. My responsibilities in this position include gathering
9 technical information in our area of operation.

10 Number 2. From 2002 to 2006, I was enlisted in the United
11 States Marine Corps with an MOS of infantry. In July 2007, I enlisted
12 in the United States Army Reserve with an MOS of 11 Bravo infantry.

13 In early 2008, I reclassified with an MOS of 35 Foxtrot,
14 all-source intel analyst. From April 2008 until August 2008, I
15 attended the intelligence analyst course at Advanced Individual
16 Training, AIT, in Fort Huachuca, Arizona. I was assigned to the
17 military intelligence battalion.

18 Number 3. PFC Bradley Manning and I attended AIT together.
19 PFC Manning and I were in all of the same classes together at AIT and
20 received the same instruction. The class consisted of approximately
21 20 to 25 students, two of whom were PFC Manning and me. I interacted
22 with PFC Manning on a daily basis. Troy Moul was our AIT instructor.

1 Number 4. At AIT I was trained on pattern analysis, which
2 is the study of enemy's tactics, techniques and procedures, TTPs, to
3 determine any patterns of enemy activity. I was also trained on how
4 to collect intelligence products and how to map enemy activity as
5 part of pattern analysis. I was also trained extensively on the use
6 of significant activities, SIGACTs, which are stored in the Combined
7 Information Data Network Exchange, CIDNE, database on the secure
8 internet protocol router network, SIPRNET, a classified network. I
9 was also trained that SIGACTs consist of troop location, improvised
10 explosive devices, IED attacks and assassinations. Additionally, I
11 was trained on how to research, review and pull SIGACTs and plot them
12 on a map for pattern analysis.

13 Number 5. At AIT I was trained on a targeting process. I
14 was also trained on how to collect information on high value targets,
15 HVT, to include which databases to use and what type of information
16 is helpful to the targeting process. I was also trained that the
17 intelligence we provided on these HVTs may be employed to carry out
18 military operations to capture these persons. During this instruction
19 I was also trained on how to use Intelink, a search engine on the
20 SIPRNET similar to Google.

21 Number 6. At AIT I was trained on information security,
22 INFOSEC. I was also trained on the meaning of classification to
23 include the different levels of classification. Specifically, I was

1 trained that the unauthorized disclosure of the information
2 classified at the secret level reasonably could be expected to cause
3 serious damage to the national security and that the unauthorized
4 disclosure of information classified at the confidential level
5 reasonably could be expected to cause damage to national security.

6 I was also trained on the meaning of information marked For
7 Official Use Only, FOUO. I was also trained to properly mark not
8 only classified documents at the top and bottom of each document but
9 also classified media devices with the approved label. I was further
10 trained that we had a personal responsibility to safeguard classified
11 information. I was also trained that access to classified
12 information is limited to those persons with the proper security
13 clearance, a signed Non-Disclosure Agreement and a need to know. I
14 was also trained how to store, transmit and otherwise handle
15 classified information consistent with Army Regulation 380-5.

16 Number 7. At AIT I was trained on operational security,
17 OPSEC. I was trained not to publicly disclose anything that could be
18 useful to our adversaries, both foreign and domestic. I was also
19 trained on the dangers of putting information on the internet, to
20 include social media web sites. I was also trained on how the
21 enemies of the United States including al-Qaeda, use the internet by
22 searching web sites for many purposes such as to collect intelligence
23 on the United States and for use as propaganda and as a recruiting

1 tool. I was trained that OPSEC applies to unclassified information,
2 such as information relating to training schedules and unit morale.

3 At AIT I was aware that PFC Manning had to give a 5 minute
4 brief on OPSEC.

5 Number 8. With regards to Bates Numbers 00007351 through
6 00007426, 00007450 through 0007586, 00007629 through 00007789,
7 0000793 through 00008087, 00008152 through 00008288, 00008331 through
8 00008522, 00008853 through 00009046, 00009802, 00010037 and 00010722
9 through 00010843, I have reviewed all of these slides. The
10 formatting of the slides is very recognizable to me. As I reviewed
11 the slides, my memory makes me believe that these were the slides
12 that were given to us at AIT. The slides were multiple classes and
13 one presentation. To the best of my knowledge, these slides appear
14 to be the ones used for our classes because of the formatting and
15 content contained in the slide show. I remember being trained on the
16 content of these slides at AIT such as memorizing the CARVERSHIP
17 mnemonic device at Bates Number 00010767. However, I cannot say for
18 certain that these are the actual slides or the actual information
19 from the slides given to us due to the length of time that has gone
20 by. It has been 5 years since I have seen the slides. I also cannot
21 say for certain that these are the slides because not all of the
22 slides were used in all of the classes due to time constraints or

1 Q. What is the SASMO?

2 A. It's a logistical IT position.

3 Q. And what are your responsibilities in that position?

4 A. Basically, sir, I am an individual who has leadership over

5 the section of IT guys.

6 Q. And where are you currently stationed?

7 A. Fort Hood, Texas.

8 Q. And how long have you been in the Army?

9 A. Approximately 19 years and 8 months.

10 Q. And what was your MOS when you enlisted?

11 A. It was 95 Bravo, which was a military police at that time.

12 Q. And how long were you a military police?

13 A. Sir, approximately 12 years.

14 Q. And what happened after those 12 years?

15 A. After those 12 years I went to become a recruiter, National

16 Guard. And after that, sir, I became 35 Fox, or went to the school

17 in Fort Huachuca.

18 Q. How long were you a National Guard recruiter?

19 A. I was a National Guard Recruiter for approximately 3 years.

20 Q. And after that you went to the AIT for the 35 Fox school?

21 A. That is correct.

22 Q. What is a 35 Fox?

23 A. A 35 Fox is an analytical ----

1 Q. Intel analyst?

2 A. Yes, basically.

3 Q. And do you remember what battalion you were assigned to at

4 AIT at Fort Huachuca?

5 A. Yes, sir. D Company, 305 MI.

6 Q. And Staff Sergeant Thomas, what is your current MOS?

7 A. My current MOS is 92 Alpha, logistical specialist.

8 Q. So let's talk about your time at AIT. When did you attend

9 AIT?

10 A. Which AIT, sir?

11 Q. For 35 Fox.

12 A. That would be March, April 2008 to about August 2008, and I

13 continued through January '09.

14 Q. And where did you attend this AIT for Fox training?

15 A. I attended Fort Huachuca, Arizona.

16 Q. What was your rank at this time?

17 A. I was a staff sergeant.

18 Q. What leadership responsibility did you have at AIT?

19 A. The leadership responsibility is -- I had the

20 accountability and discipline of the young Soldiers -- AIT Soldiers

21 while being in class.

22 Q. Were you the class leader of your class?

23 A. Yes, sir.

1 Q. And you were responsible for accountability of those 20 to
2 25 students?

3 A. Yes, sir, when the platoon sergeant was not around.

4 Q. And how do you know PFC Manning?

5 A. PFC Manning was one of the individuals directly in the
6 classroom with me and sat about two chairs in front of me.

7 Q. Do you remember PFC Manning in the class?

8 A. Yes, sir, I do.

9 Q. And again, you were in charge of accountability for all of
10 the Soldiers?

11 A. Yes, sir.

12 Q. How often, to your memory, was PFC Manning in class?

13 A. I remember Manning being in class every day that I was in
14 class.

15 Q. Thank you, sir.

16 No more questions.

17 ADC[MAJ HURLEY]: No cross.

18 MJ: Temporary or permanent excusal?

19 ATC[CPT WHYTE]: Permanent, Your Honor.

20 MJ: I just have one question.

21 [END OF PAGE]

22

23

1 **EXAMINATION BY THE COURT-MARTIAL**

2 **Questions by the military judge:**

3 Q. You said you remember PFC Manning was in class every day
4 you were in class. Do you remember how often you were absent?

5 A. No, ma'am. I went just about every day. I remember going
6 every day.

7 MJ: Any follow-up based on that?

8 ADC[MAJ HURLEY]: No, ma'am.

9 ATC[CPT WHYTE]: No, ma'am.

10 **[The witness was duly warned, temporarily excused and withdrew from**
11 **the courtroom.]**

12 ATC[CPT WHYTE]: Ma'am, the United States asks for a 15-minute
13 comfort break.

14 MJ: Any objection?

15 ADC[MAJ HURLEY]: No, Your Honor, but we can also have an 802
16 session?

17 MJ: Why don't I do this, let's put the court in recess until
18 1600 or 4 o'clock and come see me in my chambers briefly.

19 Court is in recess.

20 **[The court-martial recessed at 1552, 4 June 2013.]**

21 **[The court-martial was called to order at 1426, 4 June 2013.]**

1 MJ: Court is called to order. Let the record reflect all
2 parties present when the Court last recessed are again present in
3 court.

4 Is the government ready to proceed?

5 ATC[CPT WHYTE]: Yes, ma'am. The government calls Sergeant
6 First Class José Anica.

7 **SERGEANT FIRST CLASS JOSÉ ANICA, U.S. Army, was called as a witness**
8 **for the government, was sworn and testified as follows:**

9 **DIRECT EXAMINATION**

10 **Questions by the assistant trial counsel [CPT WHYTE]:**

11 Q. Your name is Sergeant First Class Jose Anica?

12 A. Correct.

13 Q. What is your current position?

14 A. I am a security NCO with the G2 section of the Brigade
15 Modernization Command.

16 Q. Where are you currently stationed?

17 A. Fort Bliss, Texas.

18 Q. What are your responsibilities in that position?

19 A. I am personnel security clearance, physical security and
20 operations security.

21 Q. What is your MOS?

22 A. I'm a 35 Fox.

23 Q. And all source intelligence analyst?

1 A. All source intelligence analyst.

2 Q. How long have you been a 35 Fox?

3 A. Since May of 2006.

4 Q. What was your MOS before you became a 35 Fox?

5 A. A medical laboratory technician, a 91 Kilo at the time, now
6 it's known as a 68 Kilo.

7 Q. How long were a 91 Kilo?

8 A. Approximately 4 and a half years.

9 Q. How long have you been in the military?

10 A. It will be 13 years in July, sir.

11 Q. So let's talk about a 35 Fox. What training did you
12 receive to become a 35 Fox?

13 A. I had to do Advanced Individual Training at Fort Huachuca
14 for 5 and a half months, sir.

15 Q. When did you graduate?

16 A. May of 2006.

17 Q. What was your first assignment out of AIT?

18 A. Fort Drum, New York.

19 Q. What brigade?

20 A. 2nd Brigade Combat Team, 10th Mountain Division.

21 Q. Let's talk about your time at Fort Drum. What was your
22 position when you arrived at Fort Drum?

1 A. I arrived as an intelligence sergeant and then I became
2 analysis control team NCOIC.

3 Q. What happened when you arrived at Fort Drum?

4 A. I had basically 35 days to prepare for deployment to Iraq.

5 Q. So you deployed to Iraq?

6 A. I did.

7 Q. For how long was that deployment?

8 A. It was 15 months total.

9 Q. So when did you redeploy back to Fort Drum?

10 A. Got back to Drum November of 2007.

11 Q. How do you know PFC Bradley Manning?

12 A. He worked S-2 section of the 2nd Brigade Combat Team.

13 Q. When did PFC Manning arrive at Fort Drum?

14 A. It was 2008 around September.

15 Q. And when PFC Manning arrived where was 2nd Brigade
16 scheduled to deploy?

17 A. Getting ready to go to the Afghanistan, sir.

18 Q. What was PFC Manning's MOS when he arrived?

19 A. 35 Fox.

20 Q. What section did he work in?

21 A. S-2 section.

22 Q. What section did you work in?

23 A. S-2 section.

1 Q. How often did you interact with PFC Manning?

2 A. On a daily basis, sir.

3 Q. What was your position when PFC Manning arrived?

4 A. I was acting team leader and squad leader for the section

5 S-2.

6 Q. Were you the team leader of PFC Manning?

7 A. I was, sir.

8 Q. What were your responsibilities in that position as team

9 leader?

10 A. I had the responsibility of accountability, formation and

11 physical training and also intelligence training as well.

12 Q. What was PFC Manning's position in the S-2 section?

13 A. He was an intelligence analyst.

14 Q. What were his responsibilities?

15 A. His responsibilities were what any other intelligence

16 analyst would be doing, intelligence finished products pertaining to

17 for in our instances getting ready for deployment.

18 Q. What networks did PFC Manning have access to at Fort Drum?

19 A. The unclassified network and the secret network.

20 Q. What was the secret network?

21 A. The SIPR, the SIPR network allows you to get access to the

22 secret network.

1 Q. Are you familiar with the work product that PFC Manning did
2 on the SIPRNET?

3 A. Yes, sir.

4 Q. What type of work product did he do on the SIPRNET at Fort
5 Drum?

6 A. At Fort Drum we basically taught him how to create two or
7 three slides finished product with his own assessment of stuff that
8 he had ready that directly related to the area of operations we were
9 headed to.

10 Q. Which was Afghanistan?

11 A. Afghanistan at the time, yes, sir.

12 Q. What type of information was included in these one or two
13 slides?

14 A. Significant activities, IED, improvised explosive devices,
15 vehicle-borne suicide bombers, political assassinations, kidnappings,
16 things of that nature. Anything that was significant in the area of
17 operations we were going to.

18 Q. And how often did PFC Manning use the SIPRNET at Fort Drum?

19 A. Weekly, at least once or twice a week, sir.

20 Q. What were some of his strengths as a 35 Fox?

21 A. He was able to data mine quickly, pull a lot of information
22 whenever we needed him to.

23 Q. Can you explain what data mining is?

1 A. Yes, data mining is what we call basic search. Like if you
2 and I were to go to Google and search for hotels in Maryland, a
3 thousand hits would come up, but as an analyst we data mine through
4 all of those hits and figure out which ones are relevant to us and
5 that's the step of a data mine.

6 Q. You said at this time you were still gearing up for
7 deployment to Afghanistan?

8 A. Yes, sir.

9 Q. What predeployment training did you receive for that
10 deployment?

11 A. Joint Readiness Training Center in Fort Polk, Louisiana.

12 Q. That's JRTC?

13 A. That's JRTC, sir, yes.

14 Q. What's the purpose of JRTC?

15 A. It's for the brigade combat team to be evaluated, basically
16 in order to be ready for combat.

17 Q. What was the focus theatre at that point?

18 A. It was Afghanistan, sir.

19 Q. When was JRTC?

20 A. For us it was November 2008.

21 Q. And where was it?

22 A. Fort Polk, Louisiana.

23 Q. Do you remember how long JRTC was?

1 A. It was around 24 days total, sir.

2 Q. At JRTC what section did you work in?

3 A. I worked in S-2.

4 Q. And S-2 is intelligence?

5 A. S-2 is intelligence shop.

6 Q. And what section did PFC Manning work in?

7 A. The intelligence shop, S-2 as well.

8 Q. Did PFC Manning attend JRTC for the entire time?

9 A. Yes, sir.

10 Q. How often did you interact with PFC Manning at JRTC?

11 A. On a daily basis.

12 Q. Are you familiar with the work product that he created?

13 A. Yes, sir.

14 Q. What was the work schedule at JRTC?

15 A. We ran 24-hour operations, which basically meant that the

16 Soldiers would have 12-hour shifts, so we all had 12-hour shifts.

17 Q. Can you describe the type of work that PFC Manning did at

18 JRTC?

19 A. Yes. He was one of our intelligence analysts, so we had

20 him do data mining, data mining of significant activities in our area

21 of operations, in this case it was JRTC. So we had him doing a lot

22 of research. His job was to give us the information.

23 Q. And what type of data was he pulling for the S-2 shop?

1 A. A lot of information was related to attacks that the
2 insurgency was doing. So anything that had to do with IEDs, small
3 arms fire, indirect fire, things like that.

4 Q. So what type of information relating to IEDs would PFC
5 Manning pull for you all?

6 A. We were trying to get him to give us timelines, when they
7 were occurring, how often, where, so we could build pattern analysis
8 and see if we could target them, part of the targeting cycle.

9 Q. Pattern analysis? What is pattern analysis?

10 A. Pattern analysis is basically you're trying to establish a
11 modus operandi. You're trying to figure out when, for example, IEDs
12 are being emplaced, so we could target a certain IEDs cell, we know
13 exactly where and when to hit him.

14 Q. What happened after the 24 days of JRTC?

15 A. We came back to Fort Drum and got ready -- we were still
16 continuing to deploy to Afghanistan.

17 Q. Let's talk about some of the training that you all received
18 at Fort Drum, specifically computer training. What computer systems
19 or regimes did intelligence analysts use to gather intelligence?

20 A. The system was the DCGS-A system.

21 Q. So what is the purpose of a DCGS machine?

1 A. It was a tool that the analysts were given to do our
2 finished products. We do data mining on it. We use the tools in the
3 DCGS to complete our products.

4 Q. Can you explain for the Court how a user uses the DCGS
5 machine?

6 A. Yes. An analyst would have to log into the system and open
7 up the multifunction workstation and once that's opened up, then you
8 would connect to the SIPR, to the secret network. Then you would
9 have the option to do a query search, based on what you were looking
10 for. On the left-hand side you would have databases that you would
11 have access to. You click on a box and make sure that it's
12 highlighted and you know you're running a query in that database.
13 You can click as many as you want and unclick as many as you want,
14 and that will facilitate your search. You hit search and depending
15 on how many databases are hit, it will come up with a list that you
16 can peruse through and finish your data mining set that way.

17 Q. Did PFC Manning use the DCGS machine?

18 A. Yes, sir.

19 Q. Did he have an account on the DCGS machine?

20 A. As far as I know, yes, sir.

21 Q. What training was required in order to receive a DCGS
22 account?

1 A. Before I received an account with the DCGS I had to go
2 through a 2 week course. It was provided as a mobile training team
3 to Fort Drum. It was a 2 week straight, 8 hour a day, 5 days a week
4 course.

5 Q. What type of training was included in this course?

6 A. This training was directly related to what we call button
7 knowledge, showing us all the buttons. If you click on this, this
8 will happen; if you select this, this will happen.

9 Q. Let's talk about some of the hands-on training that PFC
10 Manning received while at Fort Drum. What cell within the S-2 shop
11 was PFC Manning scheduled to work in during the deployment?

12 A. What we called the fusion cell, sir.

13 Q. Can you describe the fusion cell is?

14 A. The fusion cell is basically, fuses intelligence from
15 different disciplines be it human intelligence, signals intelligence,
16 enemy intelligence and they all come to us in the fusion cell and
17 it's our job to make sense out of all that information, create a
18 final product to give the commander and the S-2.

19 Q. What simulated environment did you create to train PFC
20 Manning on how to do analysis?

21 A. Myself and Staff Sergeant Cunningham, we created a training
22 program ourselves, basically we use the format that you would use in
23 theatre. Of course the information was made up, so none of it was

1 classified. It's all unclassified for training purposes only. It was
2 the analyst's job, junior analyst to come in and read the reports and
3 try to pick out the highlights, find out where the bad guys are, put
4 on a map and then brief us on what they learned, kind of testing
5 their skills.

6 Q. Was this pattern analysis?

7 A. That's a form of pattern analysis essentially.

8 Q. What training was PFC Manning provided on what was
9 happening in the AO in Afghanistan at the time?

10 A. Yes, sir. Inside our little vault we had a connection to
11 the secret internet, the SIPR, excuse me, and we would log on and we
12 were able to log into the Operation Enduring Freedom knowledge center
13 and we would click to specific areas of operation, specifically the
14 ones we were headed to. We would pull down finished reports and
15 finished products from there.

16 Q. What type of reports would PFC Manning read?

17 A. Those types of reports were usually intelligence summary,
18 graphic intelligence summary, assessments from intelligence units
19 that were already in theatre.

20 Q. What type of reporting is included in these intelligence
21 summaries?

22 A. A lot of it was significant activities, vehicle borne IDs,
23 assessments on pattern analysis, assessments on the enemy in the

1 area, political figures that were friendly or not friendly in the
2 area. That type of things.

3 Q. By significant activities, you mean SIGACTs in the CIDNE
4 database?

5 A. Absolutely.

6 Q. What was the classification level of these reports?

7 A. They were either secret or unclassified, sir.

8 Q. What would PFC Manning do with these intelligence reports?

9 A. It was his job to combine that information and pick out the
10 most relevant, most important data and then create his two slide,
11 PowerPoint presentations to be able to brief the S-2.

12 Q. Would he ever back brief you on any of these reports?

13 A. He back briefed me a couple of times, yes, sir.

14 Q. How often did he generally back brief his supervisors?

15 A. It became a requirement once a week.

16 Q. And what type of events in the AO was PFC Manning briefing
17 on?

18 A. It was anything that had to do with -- that was significant
19 for that week. Vehicle borne IEDs were a big thing at the time,
20 suicide bombers were still kind of a low threat in Afghanistan, but
21 we were seeing a rise, so things like that that were obviously
22 important is what he would brief.

1 Q. What formal training were intelligence analysts provided by
2 the counter IEDs?

3 A. For us, we actually had a mobile training team come to Fort
4 Drum as well and give us a 3-day course taught by joint IEDs taught
5 by the JIEDDO, Joint IED Defeat Operations.

6 Q. What did this training consist of?

7 A. It was a 3-day course. It was basically designed to teach
8 us, the analysts, what they did, show us their finished product so
9 that way when we needed help finding about IEDs -- IEDs cells in a
10 certain area we would request information from them. They taught us
11 how to request information. Taught us basically what we needed to
12 ask for so whenever it was time for us to ask for those things, they
13 would be able to give us a product.

14 MJ: I'm going to stop you there for a minute. You're talking
15 about you're asking somebody for these things. Who?

16 WIT: It's the JIEDDO. I forget the acronym, ma'am. It's the
17 Joint IED Defeat Network. They are part of the CIEDOC counter IED
18 Operations Center. They're CONUS-based but they can help us support
19 in theatre for CONUS. Yes, ma'am.

20 **Questions by the assistant trial counsel [CPT WHYTE]:**

21 Q. When did this training take place?

22 A. December 2008.

23 Q. Did PFC Manning receive this training?

1 A. I believe so, yes.

2 Q. Did you deploy with 2nd Brigade to Afghanistan with PFC
3 Manning?

4 A. Not with PFC Manning. No, no, sir.

5 Q. What happened?

6 A. I reenlisted at station of choice and PCS, permanent change
7 of station.

8 ATC[CPT WHYTE]: No further questions.

9 MJ: Cross-examination?

10 CDC[MR. COOMBS]: Yes, ma'am.

11 **CROSS-EXAMINATION**

12 **Questions by the civilian defense counsel [MR. COOMBS]:**

13 Q. Sergeant Anica, I have a few questions for you about PFC
14 Manning's duty performance, okay?

15 A. Yes, sir.

16 Q. You were PFC Manning's squad leader for almost a year?

17 A. Roughly. Actually it was between September and June so
18 that's like 9 months.

19 Q. Of ----

20 A. Between 2008 and 2009.

21 Q. And you obviously got an opportunity to, at that point,
22 view his duty performance?

23 A. Yes, sir.

1 Q. And as his squad leader you also were responsible for
2 counseling him; is that correct?

3 A. Yes, sir.

4 Q. And you basically would do end of month counselings?

5 A. I did a few, yes, sir, for PFC Manning.

6 Q. And you would also do event oriented counseling, is that
7 correct?

8 A. If needed to, absolutely.

9 Q. Have you ever heard of the expression, "If it's not in a
10 counseling statement it didn't happen?"

11 A. Absolutely.

12 Q. What does that mean to you?

13 A. That means that if something is serious enough to warrant a
14 counseling statement then it was your duty to write it down.
15 Otherwise if it came time to prove that something happened and you
16 didn't have a record of it, my signature and whoever I'm counseling
17 signature, well, it's tough to prove.

18 Q. And that didn't happen part would mean that it must not
19 have happened or you would have counseled the person?

20 A. It would be very hard to prove.

21 Q. With regards to Manning's duty performance you rated him
22 basically as an average analyst at the time?

23 A. Yes, sir.

1 Q. You would agree with me that he was a young analyst?

2 A. Junior analyst as we call them.

3 Q. Fresh out of AIT?

4 A. Yes, sir.

5 Q. And a junior analyst obviously doesn't have enough

6 experience to be considered kind of a go-to analyst in the shop, I

7 would imagine?

8 A. Correct, sir.

9 Q. That would fall more on people like Staff Sergeant Balonek,

10 would you agree?

11 A. Roger, usually the senior intelligence sergeants or

12 experienced NCOs, absolutely.

13 Q. Now, with PFC Manning, there were times that you actually

14 escorted him to mental health. Is that correct?

15 A. Yes, sir, once.

16 Q. And there was times where he was having problems and you

17 escorted him to behavioral health?

18 A. Yes, sir.

19 Q. Did you ever speak to PFC Manning about any issues that he

20 was dealing with?

21 ATC[CPT WHYTE]: Your Honor, objection. Hearsay.

22 MJ: The answer to that won't be, but get ready to object next

23 time. Go ahead.

1 **Questions by the civilian defense counsel [MR. COOMBS]:**

2 Q. So did you ever speak to him about any issues that he was
3 dealing with?

4 A. Not that I can recall specifically, no, sir.

5 Q. At any time did PFC Manning say anything though that was
6 anti-American?

7 ATC[CPT WHYTE]: Your Honor, hearsay.

8 CDC[MR. COOMBS]: All it requires is yes or no answer, Your
9 Honor. I'm not asking for the actual statement plus I'm not going to
10 offer for the truth of the matter asserted.

11 MJ: Are you doing it under what rule?

12 CDC[MR. COOMBS]: In this instance I would be offering it on the
13 effect on the listener as far as the question asking him if he's ever
14 said anything anti-American to him. The rule would be relevance and
15 that I think would lay probably once Showman, the very next witness
16 testifies. If I have to, we could temporarily excuse this witness
17 after I'm done and call him back, but I think in this instance it may
18 be better just to go ahead and elicit information from the witness
19 now unless the government doesn't intend to ask these questions.

20 MJ: Counsel, I'm going to allow it. Go ahead.

21 **Questions by the civilian defense counsel [MR. COOMBS]:**

22 Q. Did PFC Manning ever say anything anti-American to you?

23 A. No, sir.

1 Q. Did he ever -- did you ever hear anyone report to you that
2 PFC Manning made any anti-American comments?

3 A. No, sir. Not that I can recall at all.

4 Q. Was Specialist Showman one of the Soldiers that worked
5 underneath you?

6 A. Yes, sir.

7 Q. Would Specialist Showman be somebody that would have to
8 report information to you?

9 A. Absolutely.

10 Q. Now, I want to ask you about SIPRNET access while in
11 Garrison, okay?

12 A. Yes, sir.

13 Q. How large was the room that the analysts worked in when
14 they would work on SIPRNET?

15 A. Which building, sir? We have two different buildings.

16 Q. Let's talk about the first one.

17 A. It was very small, sir. I don't know the diameter or the
18 dimensions of it but it was pretty small.

19 Q. Some described it as a closet. Would that be accurate?

20 A. I thought it was a closet until you noticed the giant iron
21 door and realize it's not a closet.

22 Q. How many SIPR computers did analysts have the ability to
23 work on?

1 A. I think two at most, sir. I think we had drops for more
2 than that, but I think we only connected two at a time.

3 Q. Before you left, did the SIPRNET access change to a
4 different location?

5 A. Yes, sir.

6 Q. And where did it change to?

7 A. We just moved down the road to a different headquarters
8 building.

9 Q. And did you have more SIPRNET drops to work off?

10 A. We did, yes, sir.

11 Q. Did you actually have more SIPRNET computers to work off
12 of?

13 A. Eventually, yes, sir, when we got the DCGS laptops, then we
14 connected them to the server. They were designed to be connected to
15 the SIPR.

16 Q. And in spite of having, I guess, the additional drops and
17 computers to work off of, analysts really didn't work on SIPRNET all
18 that often?

19 A. Correct, sir.

20 Q. And, in fact, mostly maybe once a week or twice a week at
21 the most?

22 A. Yes, sir.

23 Q. For a very short period of time?

1 A. Roger. I would say, I mean, a couple hours. However long
2 it took for the analysts to get the information they needed, sure.

3 Q. So unlike a deployed environment where an analyst would be
4 working on SIPRNET basically the entire time ----

5 A. Almost the entire 12 hours, yes.

6 Q. In a garrison environment, they were not working on SIPRNET
7 the entire time?

8 A. Definitely not anywhere near 12 hours, sir.

9 Q. Okay. I want to ask you some -- You were asked some
10 questions about intelligence work products that PFC Manning created,
11 correct?

12 A. Yes, sir.

13 Q. I want to ask you if you are familiar with some
14 intelligence terms, terms that might be in a work product. All
15 right?

16 A. Yes, sir.

17 Q. Have you ever heard of the term "intelligence gap?"

18 A. Yes, sir.

19 Q. What does intelligence gap mean to you?

20 A. Intelligence gap is something that is part of the commander
21 PIR, the Priority Intelligence Requirements. If we don't know, if we
22 identify formally as intelligence gap and try to identify assets that

1 can collect against it in order for it to not become an intelligence
2 gap.

3 Q. If it's listed as an intelligence gap, would I be correct
4 in saying that that's something you do not have actual knowledge of?

5 A. Or very little, absolutely.

6 Q. In fact, intelligence gaps means you need to get
7 information in order to confirm?

8 A. Basically that is, sir.

9 Q. If you had actual knowledge of the fact, would you list it
10 as an intelligence gap?

11 A. Most likely, no. It goes through a review. If the
12 question had been answered, it wouldn't likely get approved as an
13 intelligence gap.

14 Q. Right. You would call it intelligence at that point?

15 A. Or information if it wasn't a finished product.

16 Q. Likely as well with regards to assumption, are you familiar
17 with the term assumption in intelligence work product?

18 A. Sure, absolutely.

19 Q. If you had actual knowledge of the fact, would you call it
20 an assumption?

21 A. No. No, sir. Not if it was something that we confirmed,
22 no.

1 Q. And again, if you had actual knowledge of it, you would
2 call it intelligence or information?

3 A. Absolutely, sir.

4 Q. Even though you didn't deploy with PFC Manning in 2009, you
5 have been deployed since 2009. Is that correct?

6 A. Yes, sir.

7 Q. And, in fact, you deployed in 2011?

8 A. Yes, sir.

9 Q. And where did you deploy?

10 A. To Afghanistan; Kabul, Afghanistan.

11 Q. And what was your MOS when you deployed?

12 A. 35 Fox, sir.

13 Q. As a 35 Fox did you use SIGACTs when you were deployed?

14 A. Yes, sir.

15 Q. And when you were in Afghanistan did anyone put out any
16 information that SIGACTs that predated January of 2010, shouldn't be
17 used?

18 A. No, sir, not that I can recall.

19 Q. In fact, did you use SIGACTs that predated January 2010?

20 A. Yes, sir, I did.

21 Q. What did you use those for?

22 A. Part of my job was to tie SIGACTs to certain people --
23 people that would want it to work and not -- I'm talking about local

1 Afghans. I'm not talking about anybody else. So part of my job was to
2 screen them. In order to work on a USFOB we ran a report or query on
3 their name or ID card number and a report came back 2008, 2009, then
4 we would use it, review it. If it was pertinent, we would provide it
5 to the CI agents whoever were around to be able to handle the
6 interrogation, for example.

7 Q. In 2009, 2010 timeframe, even though you weren't deployed,
8 you were still a 35 Fox, correct?

9 A. Yes, sir.

10 Q. Did you ever hear the SIGACTs database not being available
11 to you as a 35 Fox?

12 A. Between 2009 and 2010?

13 Q. Correct.

14 A. No, sir. I also had access to it.

15 Q. So it was never where you no longer had access to the
16 database?

17 A. Roger.

18 Q. And to this date, have you ever been told that you cannot
19 use SIGACTs that predate January 2010?

20 A. No, sir.

21 CDC[MR. COOMBS]: Thank you, Sergeant.

22 MJ: Redirect?

23 ATC[CPT WHYTE]: One moment, Your Honor.

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Q. Sergeant Anica, on cross the defense asked you about SIGACTs that predate a certain time. During your deployment in 2007, when you went to -- I think you said Iraq?

Q. What significant event happened during that time?

MJ: Just a moment. Yes?

ATC[CPT WHYTE]: Your Honor, the defense argued or brought out information from the witness that the SIGACTs were of little value if they predated the certain time. This completely rebuts that for reason to believe, Your Honor, for instance.

CDC[MR. COOMBS]: I didn't believe I did that, but.

Go ahead.

7742

1 Questions continued by the assistant trial counsel [CPT WHYTE]:

2 Q. Sergeant Anica, you said in 2007, there was a DUSTWUN
3 incident?

4 A. Yes, sir. DUSTWUN incident. One of our battalions had a
5 patrol out securing an IED hot spot, and they came under attack, and
6 basically lost two Soldiers that were unaccounted for and became a
7 DUSTWUN incident.

8 Q. What were you tasked to do in response to this event?

9 A. We were trying to figure out where they were, who took
10 them. We were tasked to direct assets towards finding the two
11 Soldiers that were missing.

12 Q. What type of information did you pull?

13 A. We tried to pull as much information as we could from the
14 SIPR, from the secret network. We were looking for intelligence
15 information reports, actual source information. We were looking for
16 significant activities such as small arms attacks in that area, IEDs
17 that had been placed in that area because small arms fire and IEDs
18 were both part of the attack.

19 Q. How far back did you go for the SIGACTs?

20 A. We went as far back -- this happened in 2007, so we were
21 looking for reports in 2004, we were looking for reports in 2005,
22 2006. Now, the reason why we were looking for 2006, -- 2005 excuse
23 me, was because the same thing had happened to our -- the unit that

1 we took over for, the same thing happened, small patrol was out there
2 and they were ambushed and turns out it was the same folks that had
3 done it.

4 Q. Were those SIGACTs from 4 years ago helpful to your
5 mission?

6 A. Absolutely. They were able to tie everything together and
7 give us the fire power we needed to put them on our target list.

8 Q. You also -- just lastly, you also talked about intelligence
9 gaps. The defense asked you a question about that?

10 A. Yes, sir.

11 Q. For an intelligence gap, you have to -- can you explain
12 again what an intelligence gap is?

13 A. Yes, sir. You look at the commander's priority and
14 intelligence requirements and if something that is not answered or
15 that we know is not answered, we put it as an intelligence gap. It's
16 formalized. It's published so everybody can see them and be able to
17 task assets to try to collect information on it. Whether to confirm
18 or deny it, it's up to whatever information we collect, but it has to
19 be a formalized process.

20 Q. So if you know a little bit about something and you don't
21 know everything ----

22 A. It's still an intelligence gap.

23 CDC[MR. COOMBS]: Objection. Leading.

1 MJ: Overruled on that. Go ahead.

2 **Questions continued by the assistant trial counsel [CPT WHYTE]:**

3 Q. I'm sorry, what was your answer?

4 A. If you know a little bit, but we need to it confirm, sure,
5 it can be an intelligence gap, absolutely.

6 ATC[CPT WHYTE]: Thank you, Sergeant Anica.

7 MJ: Brief recross?

8 CDC[MR. COOMBS]: Just very briefly, Your Honor.

9 **RECROSS-EXAMINATION**

10 **Questions by the civilian defense counsel [MR. COOMBS]:**

11 Q. Sergeant Anica, the SIGACTs that you use for the DUSTWUN
12 issue, that was basically going back using historical data; is that
13 correct?

14 A. Essentially, yes, sir. We had to start somewhere.

15 Q. SIGACTs, what they do is they capture an event on a
16 particular day and it's by the lowest level unit, the unit on the
17 ground that dealt with what happened?

18 A. Yes, sir.

19 Q. And then that goes into CIDNE; is that correct?

20 A. Yes, sir.

21 Q. And as an analyst, you use SIGACTs basically to connect
22 dots?

23 A. That is part of the process, yes, sir.

1 Q. So for an analyst the SIGACTs database is basically a big
2 historical document of what happened?

3 A. Absolutely.

4 Q. And from that historical document you can pull certain
5 facts that might go into intelligence product; is that correct?

6 A. Yes, sir.

7 Q. And then with that intelligence product you can connect
8 dots that maybe other people who don't have your training wouldn't be
9 able to make?

10 A. Correct, sir.

11 Q. That's a skill that takes time?

12 A. Absolutely.

13 Q. And not everyone is good at that?

14 A. Not from my experience, sir.

15 Q. With regards to the intelligence gap, I just want to make
16 sure I have this crystal clear. If it's in a product that says this
17 is an intelligence gap that means we don't know for certain; is that
18 right?

19 A. Yes, sir. Or we need to confirm whether we know it's true
20 or not if it's that important.

21 Q. So you don't know it, you need to try to confirm something
22 so you wouldn't have actual knowledge of it?

23 A. Absolutely sir, yeah.

1 Q. Thank you.

2 MJ: Final redirect?

3 ATC[CPT WHYTE]: No, Your Honor.

4 MJ: Temporary excusal?

5 ATC[CPT WHYTE]: Yes, ma'am. Temporarily.

6 **[The witness was duly warned, temporarily excused and withdrew from**
7 **the courtroom.]**

8 ATC[CPT WHYTE]: Based on the projected length of Ms. Showman,
9 may we have a 10-minute break?

10 MJ: Any objection?

11 CDC[MR. COOMBS]: No objection, Your Honor.

12 MJ: Court is in recess until 5 o'clock or 1700.

13 **[The court-martial recessed at 1657, 4 June 2013.]**

14 **[The court-martial was called to order at 1710, 4 June 2013.]**

15 MJ: Court is called to order. Let the record reflect all
16 parties present when the court last recessed are again present in
17 court except ----

18 TC[MAJ FEIN]: Captain Morrow is absent, ma'am.

19 MJ: Captain Morrow or Captain Overgaard?

20 TC[MAJ FEIN]: Both are actually absent, ma'am. We had Captain
21 Overgaard for the last session.

22 MJ: All right. I met in the chambers with the attorneys for
23 about 5 minutes and we had met earlier to discuss this potential

1 issue as well. The initial plan had been to go forward with the next
2 witness. However, the witness is expected to maybe have some lengthy
3 testimony so rather than do that, what the parties have proposed is
4 that we have gone through the trial a little more rapidly than we
5 anticipated, so we are going to go through and start tomorrow morning
6 at 0930 like we usually do with the witness that was scheduled to
7 appear today. We are going to go through with the remaining
8 witnesses that we have scheduled to testify this week tomorrow. So
9 we are going to be going on a recess after court tomorrow ends
10 whenever that is, and then we're going to be on a recess until
11 Monday. So I want to make sure I put that out so anybody who had
12 travel plans could adjust it accordingly.

13 Does either side have anything further to add to my
14 synopsis of the R.C.M. 802 session?

15 TC[MAJ FEIN]: No, Your Honor.

16 CDC[MR. COOMBS]: No, Your Honor.

17 MJ: Do we have any further business we need to address today?

18 CDC[MR. COOMBS]: No, Your Honor.

19 TC[MAJ FEIN]: No, Your Honor.

20 MJ: Court will be in recess until 0930 tomorrow.

21 **[The court-martial recessed at 1712, 4 June 2013.]**

22 **[END OF PAGE]**

1 W [The court-martial was called to order at 0942, 5 June 2013.]

2 MJ: Court is called to order.

3 Major Fein, please account for the parties.

4 TC[MAJ FEIN]: Ma'am, all parties when the Court last recessed
5 are again present, with the addition of Captain Overgaard.

6 MJ: Thank you very much.

7 Before we proceed today I received a letter on the 3rd of
8 June 2013, with letterhead entitled Freedom of the Press Foundation.
9 I've had that marked as an appellate exhibit. May I see it, please?
10 [AE 563 was handed to the military judge.]

11 MJ: It is Appellate Exhibit 563 and it is discussing a
12 stenographer. It's a request addressed to me and to Major General
13 Linnington, the Convening Authority, to allow a stenographer in the
14 media room.

15 Major Fein, what is the status of a stenographer?

16 TC[MAJ FEIN]: Yes, ma'am. Ma'am, the Public Affairs Office
17 does have or did authorize the stenographer per the court rules to be
18 in the media operations center, so long as the equipment, just like
19 all the other equipment that's authorized under the court rules, does
20 not do any recording.

21 MJ: So what you're telling me then is there is a stenographer
22 in the media operations center?

1 TC[MAJ FEIN]: Yes, there is one authorized. I have not
2 confirmed whether this morning there is one, but there was one on
3 Monday and Tuesday.

4 MJ: All right. And if you could, just for the record, is the
5 government aware, is the theater overflow room operational, is it
6 necessary? Please just describe.

7 TC[MAJ FEIN]: Yes, ma'am. As described on the first day, the
8 theater as the overflow to the trailer outside the front door of the
9 courthouse, which is the overflow of the actual courtroom was in use,
10 although there are some technical difficulties at different times.
11 As of yesterday, Your Honor, the theater is not being used anymore,
12 although available if needed because there is not an overflow of the
13 trailer area outside of the courthouse.

14 MJ: All right. Thank you very much.

15 TC[MAJ FEIN]: Yes, ma'am.

16 MJ: Is there anything else we need to address before we proceed
17 with the trial?

18 TC[MAJ FEIN]: No, Your Honor.

19 CDC[MR. COOMBS]: No, Your Honor.

20 MJ: Government, call your next witness.

21 ATC[CPT OVERGAARD]: United States calls Miss Jihrleah Showman.

1 JIHRLEAH SHOWMAN, civilian, was called as a witness for the
2 government, was sworn and testified as follows:

3 DIRECT EXAMINATION

4 Questions by the assistant trial counsel [CPT OVERGAARD]:

5 Q. And you are Miss Jihrleah Showman?

6 A. Yes.

7 Q. Could you state your city and state for the record?

8 A. Hamilton, Georgia.

9 Q. Are you currently on active duty?

10 A. No.

11 Q. And when did you come off of active duty?

12 A. June 26, 2011.

13 Q. What was your rank when you left?

14 A. Specialist.

15 Q. How long did you serve?

16 A. I served for 4 years and 2 months.

17 Q. And what was your MOS when you were on active duty?

18 A. 35 Foxtrot.

19 Q. Were you ever assigned to Fort Drum?

20 A. Yes.

21 Q. When were you at Fort Drum?

22 A. March 2009.

23 Q. What unit were you assigned to?

1 A. 2nd Brigade Combat Team, part of the 10th Mountain
2 Division.

3 Q. What section did you work in?

4 A. S-2.

5 Q. What leadership responsibilities were you given when you
6 arrived there?

7 A. I was assigned as a 35 Foxtrot team lead.

8 Q. What does it mean to be a 35 Fox team lead?

9 A. It means that I coordinate all taskings and all the
10 responsibilities of all the 35 Foxtrots below me, making sure they're
11 in the right place at the right time in the right uniform.

12 Q. Do you know the accused in this case?

13 A. I do.

14 Q. How do you know him?

15 A. I was his team leader.

16 Q. Do you remember when you first met him?

17 A. It was in March of 2009.

18 Q. And how long were you at Fort Drum?

19 A. I was at Fort Drum approximately from March to October of
20 2009, and then following deployment until 2011.

21 Q. And during this time, how often did you interact with PFC
22 Manning?

23 A. Every day during the work week.

1 Q. And did you ever discuss any non-work related topics?

2 A. There were times that we had non-work related
3 conversations.

4 Q. And when was that?

5 A. That was typically anytime I drove him to any duty
6 responsibilities. I was -- I drove him to locations off of the
7 actual brigade site and we would have casual conversation.

8 Q. Would you talk about social situations at all?

9 A. Yes.

10 Q. And what did you talk about with regard to those social
11 situations?

12 A. Typically the conversations involved his topic of choosing.
13 He talked a lot about liking to attend martini parties in the D.C.
14 area, having multiple friends, influential status in politics or even
15 in the Pentagon, then he would like to talk about how he loved
16 shopping and working before he joined the military, working as a
17 barista at Starbucks.

18 Q. Did you ever talk about computers at all?

19 A. Yes.

20 Q. And what did PFC Manning say about computers?

21 A. He indicated to me that he was very fluent in anything
22 computer. He spoke their language. There was nothing that he could
23 not do on a computer.

1 Q. Did he talk about, while you were deployed did he talk
2 about anything specific with regard to the computers you were working
3 on?

4 A. He indicated -- not necessarily the computers we were
5 working on, but the portals that we had to access when we first
6 arrived. We were having issues getting access to some division
7 portals. He indicated to me that their passwords were not
8 complicated and he can always get through them.

9 Q. So you mentioned -- you mentioned deploying. When did you
10 deploy?

11 A. Left Fort Drum October 11, 2009.

12 Q. And that was with 2-10?

13 A. Yes.

14 Q. And where did you go?

15 A. We initially went to Kuwait where we stayed for
16 approximately 2 weeks, and then we went from Kuwait to FOB Hammer,
17 Iraq.

18 Q. When did you arrive in Iraq?

19 A. It was -- I don't know the specific day, but it was between
20 the 25th and 28th, I believe, of October.

21 Q. And do you know when PFC Manning arrived?

22 A. It was the same timeframe.

23 Q. How do you know that?

1 A. We traveled together.

2 Q. And then you said you were at FOB Hammer?

3 A. Yes.

4 Q. Where was that?

5 A. That was in our brigade's AO, we were on the east side of
6 Baghdad. I don't know the exact mileage on the east side of Baghdad,
7 but we are in the middle of nowhere on the east side of Baghdad.

8 Q. And where did you work when you were at FOB Hammer?

9 A. I worked at brigade headquarters which facilitated brigade
10 TOC and the brigade fusion cell inside of the brigade SCIF.

11 Q. And did PFC Manning work in the SCIF with you?

12 A. Yes.

13 Q. What unit did you replace when you got to FOB Hammer?

14 A. It was 3-82.

15 Q. Was there a transition process?

16 A. Yes.

17 Q. And how long was that transition process?

18 A. It was approximately 2 to 3 weeks.

19 Q. So when was 2-10 fully in control of the SCIF?

20 A. I would say the first part of November, the first week, the
21 first week or two of November.

22 Q. Why do units have the transition process?

1 A. To ensure that there's no information gap, especially in
2 the intel field, if they know information on the enemy location or
3 anything like that that we need to know about as soon as our units
4 start moving out, it's very important that we take on any information
5 that they have gathered up until that point.

6 Q. What was the S-2 mission when you were at FOB Hammer?

7 A. The S-2 mission ultimately was to support the brigade, and
8 the brigade's mission was to support Iraq, so with that said we
9 gathered information from the Iraqis and our units on the ground and
10 we were to facilitate good operational pictures for the brigade
11 commander so he could assist the Iraqis as well as possible.

12 Q. Could you explain how the 35 Foxtrots were divided in the
13 S-2 shop?

14 A. Yes. We were divided into Sunni and Shia groups.

15 Q. And why was the shop divided that way?

16 A. Because a large majority of the enemy activity happened to
17 be Shia, but we also had a strong Sunni population in that area, so
18 there was a lot of communication happening between the Sunni, and so
19 to prevent any type of confusion happening between products being
20 made, they felt that it was better to divide certain amount of
21 Soldiers for the Shia and a certain amount of Soldiers for the Sunni.

22 Q. And how many 35 Foxes were in the S-2 shop?

1 A. There was approximately 11. I would say there was probably
2 not more than four working at one time together.

3 Q. Can you paint a picture for us of what a shift would look
4 like for 35 Fox?

5 A. Yes. Typically we go in 30 minutes before the shift
6 actually started because we had a shift change brief. During that
7 brief, the shift that was on would give an update on everything that
8 was happening from enemy position or anything that commander put
9 down that we needed to work on that upcoming shift. Following the
10 shift change brief, the analyst would partner up with their prior
11 shift's partner and they would go over any products that had not been
12 finished or any plans that needed to be taken care of during their
13 shift or any deficiency they had had to include any enemy activity
14 that took place during their shift. And then following that partner
15 up, the 35 Foxtrot would go ahead and start working on whatever
16 needed to be done, whether it was a product requested by an officer
17 or any kind of duties around the office that needed to be taken care
18 of, whether it was discarding classified information or things like
19 that.

20 During the shift, the 12 hour shift, they would be released
21 for chow two times. Each chow break would run approximately from 30
22 minutes to an hour. The large majority of the deployment during your
23 shift you're also released for PT. And then once a week you would

1 have commando time, where you would actually have the whole shift off
2 for once a week.

3 Q. What were the hours of those shifts?

4 A. The day shift was 1000 to 2200, night shift was 2200 to
5 1000 hours.

6 Q. And you said you would come a half hour early?

7 A. Correct.

8 MJ: What were the times of those shifts again? I'm sorry.

9 WIT: 1000 to 2200 and 2200 to 1000.

10 Q. Who was initially on the night shift?

11 A. The night shift was myself, at that time PFC Cooley and PFC
12 Manning.

13 Q. Did you have a leadership role?

14 A. I did.

15 Q. And what was that?

16 A. I was the fusion night shift NCOIC.

17 Q. What did that mean?

18 A. That meant that I -- any instructions that the S-2 had for
19 the night shift, I was to facilitate those products, or any
20 activities that we needed to complete, I was to facilitate the
21 completion of those products. And then the night shift NCOIC was
22 responsible for doing assessments on a translated newspaper that was
23 full of intel information from division.

1 Q. Who did you supervise on that shift then?

2 A. I supervised PFC Cooley and PFC Manning.

3 Q. How long were you on that night shift?

4 A. It was approximately -- approximately a month.

5 Q. And then what happened?

6 A. I was moved to day shift working in the targeting section.

7 Q. What were you doing in the targeting section?

8 A. I was the targeting analyst. I worked directly for Chief

9 Hack.

10 Q. And you're still an all-source intel analyst in that

11 position?

12 A. Yes.

13 Q. So what are you doing?

14 A. I am still actually working in the fusion cell, but I'm

15 actually, instead of gathering a broad spectrum of information of the

16 intel field, I'm gathering information on specific individuals, and

17 then we would take that information and send it to our Iraqi

18 counterparts and help them facilitate missions to detain criminals.

19 Q. Did you ever receive information from the other analysts in

20 the shift?

21 A. It was supposed to happen on an everyday basis, but rarely

22 did it happen, but there was a couple of situations where they did

23 communicate with the targeting.

1 Q. Did you ever receive any information from PFC Manning?

2 A. There was probably one or two times where I did.

3 Q. Did PFC Manning, do you know, stay on the night shift?

4 A. He did not stay on the night shift. He was eventually moved

5 to day shift.

6 Q. Do you remember about when that was?

7 A. I believe it was -- I actually believe it was before

8 Christmas, so the December timeframe.

9 Q. And then did he move back to day shift?

10 A. Well, he stayed on day shift and then eventually he was

11 moved back to night shift.

12 Q. Okay. So night to day to night?

13 A. Uh-huh, yes.

14 Q. And when did he move back to night shift?

15 A. It was approximately the March-April timeframe of 2010.

16 Q. What were the responsibilities of the night shift in

17 particular?

18 A. The night shift's primary responsibility was to communicate

19 with the TOC. Due to the safety concerns of our units on the ground

20 being heightened by darkness, they communicated with the fusion cell

21 more frequently to make sure that any intel information that had

22 occurred in specific locations prior to that time that we fully

23 communicated with them. They also monitored feeds directly from

1 units on the ground to give them any intel that they needed at the
2 time to help facilitate their mission, as well as any products that
3 the S-2 had requested from them to give to the morning shift change
4 brief, they had to complete that as well.

5 Q. How was the day shift different?

6 A. The day shift was different because there was not as much
7 communication with the TOC due to the, just the OPTEMPO, it was
8 definitely different. So the day shift, their primary responsibility
9 was product building for the actual brigade commander.

10 Q. And you said before there was that half hour overlap?

11 A. Correct.

12 Q. What happened during that half hour overlap?

13 A. That was designated for the actual shift change brief, so
14 both groups of analysts would come together, the targeting section
15 would come together, the fusion OIC, the fusion NCOIC would all
16 huddle around a projection screen and we'd go over everything that
17 happened the shift before.

18 Q. Who would go over everything?

19 A. Each specific cell. So the targeting would go over what
20 they had the shift before and what they need from their counterparts
21 for the next shift. The Shia group would go over what they had. The
22 Sunni group would go over what they had. And then the fusion cell
23 OIC would just do a general overview of everything.

1 Q. Was each analyst briefing at these?

2 A. No.

3 Q. Did the analysts ever brief?

4 A. Yes.

5 Q. How often?

6 A. Typically they would take turns, so if the officer -- for

7 example, there was an officer over the Sunni group, if she wasn't

8 briefing she would have her 35 Foxtrot analyst brief, so they kind of

9 flip-flopped.

10 Q. And you've talked some about the work product that 35 Foxes

11 create, but could you tell us specifically what type of work

12 products?

13 A. Just very --The most standard common work product would be

14 a map population. So we would take raw information from -- whether

15 it was Iraqi informants or Iraqi police or even our units on the

16 ground, we would populate the map with whatever activities took place

17 on that map. We would put any pertinent data on an actual PowerPoint

18 presentation with a picture of that map and we would put any

19 pertinent data to the information that we are identifying, and then

20 we would brief that.

21 Q. How did you do that?

1 A. We used the DCGS system. The DCGS system, the format has
2 got gigs full of map information, and then we would use a PowerPoint
3 presentation program to finalize the product.

4 Q. Did you have any training on that DCGS system?

5 A. Yes.

6 Q. When was that?

7 A. That was before we deployed in the 10th Mountain Division
8 Headquarters.

9 Q. Who did that training?

10 A. It was a civilian that went to the T-SCIF of division. I
11 don't recall her name, but it was a civilian contractor.

12 Q. But someone from DCGS?

13 A. Yes.

14 Q. What -- and when you're collecting that information from
15 DCGS and the various databases on there, what information were you
16 collecting?

17 A. Typically we were collecting locational data or specific
18 cell information from the specific people groups. So we would go
19 into different portals on the SIPRNET, whether it was division or
20 other units that had been in the area before we were there, if they
21 had any pertinent information and we'd use query tree, we'd use
22 ArcGIS for the mapping and thing like that. We would just put

1 together different pictures of what we kind of pieced together in
2 that specific area and what the threat looks like.

3 Q. What type of -- what network was that DCGS system on?
4 A. It was on the SIPR network.

5 Q. And up to what classification level is available on there?
6 A. The overall classification was Secret.

7 Q. And how did you treat that material?
8 A. We treated it like the sensitive material that it was.

9 Anything that entered the computer and came out of the computer was
10 therefore classified as Secret.

11 Q. What if it wasn't marked?
12 A. If it wasn't marked, it had to be either classified as
13 Secret or destroyed immediately.

14 Q. And why did you do that?
15 A. We did that because that's what protocol is and that's what
16 I was trained to do in analyst training at Fort Huachuca, Arizona.

17 Q. Have you had any other training?
18 A. Yes.

19 Q. What was that?
20 A. We -- almost biannually you receive updated training on
21 different protocols and things like that, and every Soldier that
22 comes in the unit with a Secret or a T -- or a TS clearance actually

1 has to get read on in division headquarters and they are reminded of
2 safeguarding information.

3 Q. Do you sign anything?

4 A. Yes.

5 Q. What do you sign?

6 A. Well, initially you sign a non-disclosure agreement and
7 then you sign different documentation promising that you will
8 safeguard classified information.

9 ATC[CPT OVERGAARD]: One moment, please.

10 No further questions.

11 **CROSS-EXAMINATION**

12 **Questions by the civilian defense counsel [MR. COOMBS]:**

13 Q. Specialist Showman, how are you?

14 A. Good, sir.

15 Q. Ms. Showman. I'm sorry. Got used to calling you
16 Specialist Showman.

17 I want to start off by asking you a few questions about
18 work productivity. You talked about at one point you were Manning's
19 supervisor?

20 A. Uh-huh, yes.

21 Q. And that was his team leader, is that correct?

22 A. Team leader, yes.

1 Q. And as a team leader you were responsible for counseling
2 him?

3 A. Yes.

4 Q. Basically notifying him whenever he had any deficiency?

5 A. That, as well as monthly counselings, identifying some of
6 the positive things the Soldier had done in that month. And then
7 some of the expectations for the month following.

8 Q. Okay. And with regards to counseling, those would be
9 things you'd actually write down, and you'd actually go over with the
10 Soldier and have them sign, correct?

11 A. Yes.

12 Q. When you were first deployed as well you were his
13 supervisor, you were the night shift supervisor?

14 A. Yes.

15 Q. And at that time you were the NCOIC?

16 A. Correct.

17 Q. But you were not an NCO?

18 A. No.

19 Q. Had you gone to any leadership training by that point?

20 A. No.

21 Q. Do you know why you were given the NCOIC position even
22 though you were not an NCO?

1 A. At that time we only had, we only had -- we only had --
2 Master Sergeant Adkins was in and out of the FOB Hammer and then we
3 had one E5 working the day shift. Our other NCOs had not arrived by
4 that time.

5 Q. Was there ever an NCO put over the night shift?

6 A. I do believe so, but I couldn't verify that. The night
7 shift became, people were coming it out of the night shift.

8 Q. And you said that you left the night shift after about a
9 month?

10 A. Correct.

11 Q. And that's when you moved down to the targeting section
12 with Chief Hack?

13 A. Yes.

14 Q. So you don't have any personal knowledge as to what PFC
15 Manning was assigned after you went down to work with Chief Hack?

16 A. No, no personal knowledge.

17 Q. Now, you had talked about PFC Manning's work product.
18 Previously you had said that he didn't have any problems completing
19 tasks when you were his NCOIC; is that correct?

20 A. Correct.

21 Q. So he completed tasks in a timely basis?

22 A. Yes.

1 Q. Now, you also talked about some of the conversations that
2 you had with PFC Manning before the deployment. Do you recall him
3 sometimes talking about politics?

4 A. I do.

5 Q. And I believe you said he was very passionate about that?

6 A. Yes.

7 Q. You also heard him talk about government issues?

8 A. Frequently, yes.

9 Q. And he liked to debate with others in the SCIF about U.S.
10 government policy and broad spectrum issues?

11 A. Yes.

12 Q. And you didn't engage in those debates very much?

13 A. I did not.

14 Q. However, you would characterize PFC Manning as being very
15 political?

16 A. Yes.

17 Q. And I think you described him as being on almost kind of
18 the extreme democratic side?

19 A. Yes.

20 Q. Now, PFC Manning was an all-source analyst; is that right?

21 A. Yes.

22 Q. And as an all-source analyst, you were allowed to look at
23 anything on the SIPRNET that was not password protected?

1 A. I wouldn't -- I would not say that.

2 Q. Well, I want to make sure we get your testimony correct
3 then. Did anyone put out prohibitions for what you could not look at
4 on the SIPRNET?

5 A. It was your responsibility to look at things that you knew
6 you had access for. Just because you have a Secret clearance doesn't
7 mean you have access -- legal access to visualize everything, to see
8 everything that has a Secret classification over it.

9 Q. Are you talking about kind of like the need to know aspect?

10 A. Correct.

11 Q. So if you thought you had a need to know and you had the
12 appropriate security clearance, there was nothing on the SIPRNET that
13 you couldn't look at if you thought you had the need to know about?

14 A. If the mission demanded it, possibly.

15 Q. All right. And did anyone in the S-2 section ever put out
16 a limitation as to a particular area or site on the SIPRNET that you
17 should not go to?

18 A. Not that I can recall.

19 Q. In addition to the SIPRNET you had what was called a shared
20 drive, a T-drive; is that right?

21 A. Yes.

1 Q. And no one -- did anyone in the S-2 section ever put out
2 any limitation as to what you could or could not look at on the T-
3 drive?

4 A. No.

5 Q. Was there any training on what you could and could not look
6 at on the T-drive?

7 A. No.

8 Q. And with regards to the T-drive, my understanding was that
9 was kind of a historical drive where previous units would put stuff
10 as well?

11 A. I honestly do not know where the information came from for
12 the T-drive. I just know that our unit had control of it during
13 deployment.

14 Q. All right. You went on the T-drive?

15 A. Yes.

16 Q. And you searched on the T-drive, correct?

17 A. Yes.

18 Q. And I believe you found an Apache video on the T-drive; is
19 that right?

20 A. Yes.

21 Q. And that was the Apache video charged in this case?

22 A. Honestly, I'm assuming so. I haven't seen what has been
23 charged in this case.

1 Q. My understanding there were quite a few videos on the T-
2 drive?

3 A. Yes.

4 Q. And when you found the Apache video on the T drive, you and
5 others, and I believe it was Ehresman -- CW2 Ehresman, Staff Sergeant
6 Balonek and Chief Hack were looking at the video?

7 A. Correct.

8 Q. And over the next few days you had discussions in the SCIF
9 about whether the video showed a camera or an RPG being held by
10 somebody?

11 A. I wouldn't say it spanned over a few days; it was mainly
12 while we were watching it.

13 Q. Was that only one day?

14 A. Yes.

15 Q. Okay. I'm sorry. So on that day that you were watching it
16 you had that discussion?

17 A. Yes.

18 Q. Did you also debate whether the actions of the Apache crew
19 were appropriate?

20 A. I don't recall us debating about that.

21 Q. Now, at the time later on did Captain Martin ever come in
22 and talk about the video?

1 A. I believe that Captain Martin might have been part of the
2 group that originally was watching it at my computer station, but I
3 don't recall her coming in and actually talking about what we had
4 seen in the video.

5 Q. Okay. I now want to ask a couple questions about some of
6 the products that you would do as a 35 Fox, all right?

7 A. Okay.

8 Q. You would, I imagine, take SIGACTs and create work products
9 for the S-2?

10 A. Yes.

11 Q. And my understanding is PFC Manning worked on that Shia
12 threat group and so did you?

13 A. Actually, I did not. When I was the night NCOIC I didn't
14 have a specific group focus. My responsibility actually wasn't
15 either group. And then when I was in targeting I focused directly on
16 individuals.

17 Q. All right. So PFC Manning worked on the Shia threat group,
18 correct?

19 A. Correct.

20 Q. And you supervised his work?

21 A. Yes.

22 Q. Now, with regards to what the night shift was doing,
23 correct me if I'm wrong, my understanding is sometimes they would get

1 names and RFIs and they'd -- request for information, and they'd get
2 information on those names?

3 A. That's reasonable, yes.

4 Q. And they would do that because the night shift was a good
5 time to do RFIs on names because you didn't have a lot of
6 distraction?

7 A. That's fair to say, yes.

8 Q. And PFC Manning was also tasked sometime to do statistical
9 analysis where given a problem set to go find SIGACT information on
10 it and put it together in a chart or something?

11 A. Within the boundaries of our area of operation, yes.

12 Q. With regard to that, then when he was done he would have
13 graphs or charts or something to show one of the officers?

14 A. Correct.

15 Q. Now, the products that PFC Manning was working on that you
16 were supervising during the night shift, they weren't designed to
17 give commanders real-time information on the battlefield, correct?

18 A. Most of the time, no.

19 Q. No. In fact, they were more kind of giving information on
20 various threat groups and perhaps future issues we they might be
21 dealing with?

22 A. On occasion that was requested, yes.

1 Q. All right. I now want to ask you a few questions about the
2 T-SCIF operations, okay?

3 A. Okay.

4 Q. When you were in the T-SCIF, did you ever see analysts
5 listening to music?

6 A. Yes.

7 Q. And was this music ever listened to on a DCGS-A machine?

8 A. Yes.

9 Q. And where did the music come from?

10 ATC[CPT OVERGAARD]: Objection, Your Honor. Relevance.

11 CDC[MR. COOMBS]: Your Honor, we believe this will help
12 establish how the T-SCIF was run, what was allowed and what wasn't
13 allowed.

14 MJ: Overruled.

15 **Questions continued by the civilian defense counsel [MR. COOMBS]:**

16 A. Can you repeat the question?

17 Q. Sure. Where did the music come from?

18 A. I actually don't know where the music came from. There was
19 a large amount of music on the T-drive that the S-6 had approved at
20 the time, so several Soldiers actually listened to music on the T-
21 drive.

22 Q. Okay. Now I'm going to follow-up on what you said there.
23 You believe the S-6 approved it?

1 A. The S-6 had control of the T-drive, so I don't know where
2 the music came from originally, but when we first got into country
3 the music was on the T-drive.

4 Q. Okay. So I just want to make sure we have your testimony
5 right. Are you saying the S-6 approved the music or not?

6 A. I misquoted. They never actually put out a document that
7 says we approve this music. My personal opinion is I just assumed
8 that they knew its existence.

9 Q. Did you ever during the time that you were in Iraq ever
10 hear from the S-6 saying that music was not allowed?

11 A. Eventually. Eventually they indicated that no outside
12 sources would be placed on the T-drive and that all music would be
13 removed from the T-drive.

14 Q. You talked about some of your biannual training, do you
15 remember that?

16 A. Uh-huh.

17 Q. From your biannual training, did it ever teach you whether
18 or not music was allowed on a SIPRNET computer?

19 A. I actually don't recall it being discussed specifically as
20 music, no.

21 Q. So you don't know that answer?

22 A. No.

1 Q. All right. What about movies? Did you ever see movies
2 being played in the T-SCIF?

3 A. Yes.

4 Q. And what were these movies being played on?

5 A. On a NIPRNET computer, on an unclassified computer.

6 Q. And who brought in the movies?

7 A. Multiple personnel brought in movies. I don't know
8 specifically who they were, but it wasn't just one person.

9 Q. And were movies prohibited in the T-SCIF?

10 A. No.

11 Q. So they were permissible and you could bring in movies?

12 A. Up until a certain point. Initially they were allowed in
13 the T-SCIF.

14 Q. And you said that up to a certain point. When were they not
15 allowed?

16 A. When the brigade commander said no external media anywhere
17 around any computers. At that point all movies that had been brought
18 into the T-SCIF were destroyed.

19 Q. And when was that?

20 A. That was approximately I would say February of 2010,
21 February, March timeframe. I don't know the exact date.

22 Q. Were analysts allowed to play games on their DCGS machines?

1 A. There were games on the T-drive, so games that were on
2 there and analysts had played them.

3 Q. When I'm speaking of games, it's actually kind of a video
4 game that you play on the computer, right?

5 A. Yes.

6 Q. And I believe one of them was Zooma, do you remember that?

7 A. It was a ball, a little ball popping game. Yeah, I don't
8 remember the name.

9 Q. And were games allowed on a SIPRNET computer?

10 A. It was never announced that you could play them. They
11 actually discouraged any type of playing of games during mission
12 hours, but at that time I think we were under the impression the S-6
13 was aware of them and -- I mean it was never declared that, yes, you
14 can play these games.

15 Q. And if you can't tell me if you have the computer knowledge
16 for this, just say I don't know this, but do you know if games -- the
17 video games being played were executable files?

18 A. No idea.

19 Q. Do you know what that term means?

20 A. No.

21 Q. So with regard to other things, mIRC chat, did you ever
22 hear of that?

23 A. Yes.

1 Q. And do you know how -- first of all, did you have that on
2 your computer?

3 A. Yes.

4 Q. And did analysts need mIRC chat?

5 A. Yes.

6 Q. And what would you use mIRC chat for?

7 A. We used it primarily to communicate with other units to
8 include division, that was division's primary form of communication,
9 and in order to communicate with our division counterparts we needed
10 mIRC chat.

11 Q. And mIRC chat was on your desktop, right?

12 A. Yes.

13 Q. And then you would double-click it?

14 A. I don't remember, but we would open it somehow.

15 Q. All right. So you would, obviously you'd click on it at
16 some point?

17 A. Yes.

18 Q. And it would open?

19 A. Yes.

20 Q. And mIRC chat got in your computer not by Mr. Millman,
21 correct?

22 A. No.

23 Q. PFC Manning put it on your computer?

1 A. Correct.

2 Q. And at the time that PFC Manning put that on your computer,
3 were you his supervisor?

4 A. No.

5 Q. What was your work relationship with him at that point?

6 A. He was working, I believe he was working day shift and I
7 did not have the knowledge base to put mIRC chat on my computer and I
8 knew I needed it on my computer, so I went to the one guy I knew that
9 had extensive computer knowledge and that was Manning on the shift at
10 that time.

11 Q. And at the time that Manning, PFC Manning put mIRC chat on
12 your computer, did you believe that that was against the user
13 agreement?

14 A. No.

15 Q. Why not?

16 A. It was never informed to me that it was against the user
17 agreement, and I knew that it had been put out that we needed it on
18 all of our computers to communicate throughout the brigade and
19 division.

20 Q. My understanding is the DCGS-A computers were being worked
21 on by just Mr. Millman?

22 A. Correct.

1 Q. So that was the person that was authorized to work on those
2 computers, right?

3 A. Yes.

4 Q. And yet you went to PFC Manning?

5 A. Mr. Millman was not there, and I wouldn't call it working
6 on my computer to put a program on my desktop, but, yes, I went to
7 PFC Manning.

8 Q. Okay. Now, you also talked about on direct that, I believe
9 you said that Manning told you at one point he could get around
10 passwords pretty easily?

11 A. Yes.

12 Q. What passwords were you talking about?

13 A. Different portal passwords on the SIPRNET network.

14 Q. All right. And when he said that to you, did you -- what
15 was your work relationship with him then?

16 A. I do not -- I actually don't remember whether I was working
17 day shift or actually working night shift with him. I don't remember
18 what my work relationship with him was at that time.

19 Q. I'm sorry. I might have misunderstood. I thought you said
20 he told you that when you were still at Fort Drum.

21 A. No. It was in theatre.

22 Q. Oh, it was in theater he told you he could get around
23 passwords?

1 A. Yes. Yes.

2 Q. So at that point did you counsel him?

3 A. No. He was at that -- if I was not the night NCOIC, he was
4 no longer my Soldier and no longer my responsibility to counsel. I
5 was not the only person standing around when he said that.

6 Q. Did anyone say, wait a second, that's against the AUP?

7 A. I actually don't remember.

8 Q. Did anyone say anything in response to Manning saying, "I
9 could get around that password?"

10 A. I believe that there was discussion. I don't know matter
11 of fact.

12 Q. Okay. Now, you talked about the biannual training that you
13 got. Can you tell us about that a little bit more? What was that
14 training that you got?

15 A. Typically it was computer based training, so you were
16 required by S-6 to update this training, and what this training was
17 is it was kind of just a compilation of different information on how
18 to safeguard information, how to prevent hackers from accessing
19 different computer systems and things like that. Primarily the
20 foundation of this training was to ensure that any classified
21 information wasn't reaching parties that it should not have been
22 reaching and that you were not being -- that you were safeguarding
23 your information on these computer systems.

1 Q. All right. Have you taught this training?

2 A. It was on the -- we had to -- it was on the computer, so
3 I'm assuming the actual Army.

4 Q. All right. So you're talking about the standard training
5 that people have to complete in order to keep their access to
6 computers?

7 A. Yes.

8 Q. So we're not talking about an actual somebody coming down
9 and training you?

10 A. No.

11 Q. Okay. Ms. Showman, I want to thank you. I don't believe I
12 have any more questions for you.

13 A. Okay.

14 MJ: Redirect?

15 ATC[CPT OVERGAARD]: Yes, ma'am.

16 **REDIRECT EXAMINATION**

17 **Questions by the assistant trial counsel [CPT OVERGAARD]:**

18 Q. On cross you said that PFC Manning talked to you about
19 politics.

20 A. Uh-huh.

21 Q. And then on direct you said he talked about computers and
22 what else did you say he talked about?

1 A. He talked about social events, martini parties and
2 shopping, things like that.

3 Q. Did he ever talk about the Internet?

4 A. Yes.

5 Q. And what did he talk about?

6 A. He actually told me, the first conversation we had driving
7 in my car. He told me that he had to make sure that he scrubbed the
8 entire Internet of anything that involved him otherwise he would not
9 be able to receive a security clearance and join the military.

10 CDC[MR. COOMBS]: Your Honor, I'd object. Relevance.

11 MJ: What is the relevance?

12 ATC[CPT OVERGAARD]: One moment, please.

13 MJ: Are you going into uncharged misconduct?

14 ATC[CPT OVERGAARD]: No, ma'am. That's the extent of the
15 question.

16 MJ: All right. I'll disregard it. Go ahead.

17 ATC[CPT OVERGAARD]: One moment, please, ma'am.

18 MJ: That would be sustaining the objection.

19 ATC[CPT OVERGAARD]: Ma'am, if I may state a basis for relevance.

20 MJ: Go ahead.

21 ATC[CPT OVERGAARD]: Spec 1, Charge II, the wanton disregard, I'm
22 required to show -- or we're required -- sorry, ma'am -- that there's
23 a wanton disregard, and the knowledge of the Internet in general goes

1 directly to that, whether or not he knew he wantonly and wrongfully
2 disregarded when he published things on the Internet.

3 MJ: So the relevance is his knowledge about the Internet?

4 ATC[CPT OVERGAARD]: Yes, ma'am. Knowledge of the Internet.

5 MJ: I'll consider it for that purpose.

6 ATC[CPT OVERGAARD]: Okay, ma'am.

7 **Questions continued by the assistant trial counsel [CPT OVERGAARD]:**

8 Q. So, again, he talked about his presence on the Internet?

9 A. Yes.

10 Q. You mentioned the Apache video on cross as well.

11 A. Yes.

12 Q. When did you first see that?

13 A. I don't remember the timeline, but I was working directly
14 for Chief Hack as the targeting analyst.

15 Q. And why did you watch it?

16 A. Chief Hack was grooming me to work as his targeting analyst
17 for future deployments and he was explaining different weapon
18 systems. We watched other videos involving different weapons systems,
19 so he was talking to me about the process of communication with an
20 airplane like that and how you would complete a mission.

21 Q. So it was for an official purpose?

22 A. Yes.

23 Q. Where was that located?

1 A. It was located on the T-drive.

2 Q. And where is the T-drive?

3 A. It's -- I actually don't know how to explain it. It's just

4 a drive that the S-6 controls, so you can access it through my

5 computer on your Secret system.

6 Q. It's on the Secret system?

7 A. Yes.

8 ATC[CPT OVERGAARD]: One moment, please. No further questions.

9 MJ: All right.

10 CDC[MR. COOMBS]: Nothing, ma'am.

11 MJ: Temporary or permanent excusal?

12 ATC[CPT OVERGAARD]: Temporary, ma'am.

13 **[The witness was duly warned, temporarily excused and withdrew from**

14 **the courtroom.]**

15 TC[MAJ FEIN]: And the United States requests a brief comfort

16 break.

17 MJ: Ten minutes sufficient?

18 TC[MAJ FEIN]: Yes, ma'am.

19 MJ: Court is in recess until 10:30.

20 **[The court-martial recessed at 1025, 5 June 2013.]**

21 **[The court-martial was called to order at 1039, 5 June 2013.]**

1 MJ: Court is called to order. Let the record reflect all
2 parties present when the Court last recessed are again present in
3 court.

4 Is the government ready to proceed?

5 TC[MAJ FEIN]: Yes, ma'am.

6 United States calls Chief Warrant Officer 2 Kyle Balonek.
7 **CHIEF WARRANT OFFICER 2 KYLE BALONEK, U.S. Army, was called as a**
8 **witness for the government, was sworn and testified as follows:**

9 **DIRECT EXAMINATION**

10 **Questions by the trial counsel [MAJ FEIN]:**

11 Q. And you are Chief Warrant Officer 2 Kyle Balonek of the
12 10th Mountain Division, G2?

13 A. Yes, sir.

14 Q. Chief Balonek, how do you know Private First Class Bradley
15 Manning?

16 A. He worked with us in the S-2 section of the 2nd Brigade,
17 10th Mountain, sir.

18 Q. When was that?

19 A. From 2008 to 2010, sir.

20 Q. And what is your current MOS or officer specialty?

21 A. I'm a 350 fox and all-source intelligence technician.

22 Q. And that is a warrant officer?

23 A. Yes, sir.

1 Q. How long have you been in the military?
2 A. Since July of 2002.
3 Q. Has that been in the United States Army the whole time?
4 A. Yes, sir.
5 Q. And what was your original MOS in the Army?
6 A. My original MOS was a 31 Romeo, multi-channel transmissions
7 system operator.
8 Q. What is that?
9 A. It's a radio operator in the signal corps, sir.
10 Q. Okay. So you were a signal Soldier?
11 A. Yes, sir.
12 Q. When did you become a 35 Fox?
13 A. In 2006, September.
14 Q. And when did you go to AIT?
15 A. From May to September of 2006.
16 Q. And since I mentioned 35 Fox, what is a 35 Fox?
17 A. An all source intelligence analyst.
18 Q. And what does an all-source intelligence analyst do?
19 CDC[MR. COOMBS]: Objection.
20 A. All source brings together ----
21 MJ: Hold on just a moment. Yes?
22 CDC[MR. COOMBS]: This is cumulative, Your Honor.

1 TC[MAJ FEIN]: Your Honor, just to establish foundation for a

2 ----

3 MJ: A little, I'll allow a little leeway. We've heard it
4 before.

5 TC[MAJ FEIN]: Yes, ma'am.

6 **Questions continued by the trial counsel [MAJ FEIN]:**

7 Q. Could you please answer the question? What does an all-
8 source intelligence analyst do?

9 A. Yes, sir. An all-source analyst brings in information from
10 various sources, whether it was HUMINT, SIGINT or GEOINT and makes it
11 into one complete product to be presented to the consumer, whether it
12 be the commander or subordinate units.

13 Q. And what type of training did you receive to become a
14 warrant officer in this field?

15 A. Received training from information security to DCGS
16 training to pattern and trend analysis to data mining, and you work
17 on your briefing skills as well, sir.

18 Q. Is that as a 35 Fox or as a 350 Alpha?

19 A. They're both very similar, sir.

20 Q. And what formal training did you attend as an enlisted
21 Soldier?

1 A. I attended a basic AIT course, 35 Fox, the BNCOC course, I
2 also took the tactical S-2 course and I attended Intelligence Master
3 Analyst course.

4 Q. When did you attend the Intelligence Master Analyst course?

5 A. From July to September of 2009.

6 Q. And very short, what was the purpose of that training?

7 A. Focused on analytical theories, a lot of DCGS training
8 still. We worked briefing and presentation skills and we had some
9 briefings from higher level agencies in other areas that could assist
10 us in our analysis.

11 Q. What was your last rank as an enlisted Soldier?

12 A. I was a staff sergeant promotable.

13 Q. And for how long were you an NCO?

14 A. From September of '04 until August of 2010.

15 Q. And what happened in August 2010?

16 A. I was appointed as a WO1 in the United States Army, sir.

17 Q. Do you have any education outside of the military?

18 A. I have an associate's degree in business administration,
19 sir.

20 Q. And have you deployed before?

21 A. Yes, sir.

22 Q. How many times?

23 A. Four times, sir.

1 Q. And could you briefly describe the general nature of those
2 deployments for the court?

3 A. My first two deployments from '03 to '04 was with the 4-
4 40th Signal Battalion, mainly worked as a transmission team member
5 doing line of sight communication.

6 From 2005 to 2006, I was still with the 4-40th. I worked in
7 the company orderly at that point. From 2006 to 2007, I worked in
8 the 2nd Brigade, 10th Mountain Division as an all source analyst.
9 And again from 09' to 10' as an all-source intelligence analyst.

10 Q. When did you first arrive to Fort Drum?

11 A. October of 2006, sir.

12 Q. And what was your -- when to the best of your memory did
13 PFC Manning arrive at the Fort Drum?

14 A. It was late 2008, possibly September, sir.

15 Q. And you just testified about going on your first deployment
16 with the 10th Mountain Division. When did that deployment end?

17 A. Late 2007, October.

18 Q. So what did you do between -- what was your job or your
19 duty responsibilities between late October 2007, and until PFC
20 Manning arrived?

21 A. My primary responsibility was personnel security.

22 Q. And what was it to be the personnel security manager, what
23 did that mean?

1 A. An additional duty appointed by the commander that I was to
2 assist all of the personnel in the brigade headquarters with their
3 security clearance, their periodic investigations, any questions they
4 had, non-disclosure agreements and JPAS, JPAS -- monitoring their
5 JPAS account.

6 Q. And what is JPAS?

7 A. JPAS is the Joint Personnel Adjudication System, sir.

8 Q. As what's it used for?

9 A. It's used to pull up individual's information showing when
10 their clearance began, ended and when they were granted a clearance.

11 Q. So as the personnel security manager, what, when a -- let
12 me rephrase this. When a Soldier arrived to the unit, which unit
13 were you the personnel security manager for?

14 A. For brigade headquarters, sir.

15 Q. So that's for 2-10 Mountain Brigade Headquarters?

16 A. Yes, sir.

17 Q. So when a new Soldier arrived, what was your personnel
18 responsibility for their Soldiers?

19 A. To pull them up in JPAS, verify if they have a clearance or
20 not, own them in JPAS, which is taking their profile and basically
21 tagging it to our organization and having them sign the non-
22 disclosure agreement that grants them local access to classified
23 information.

1 Q. And what's required in order to have access to classified
2 information?

3 A. To have a clearance for one, to have a need to know and to
4 have signed that non-disclosure agreement.

5 Q. And how does one obtain a clearance?

6 A. Through filling out the SF 86, saying that you -- so that
7 you have an investigation done from the Office of Personnel
8 Management and have the clearance verified and granted by Army
9 Central Clearance Facility.

10 Q. And what is an SF 86?

11 A. It's a standard form. It basically goes into your
12 background, personal information, where you've lived, where you've
13 worked, who you know, who your family is, who your acquaintances and
14 friends are.

15 Q. So when a Soldier arrives to -- at least when you were the
16 personnel security manager for the brigade staff, when a new Soldier
17 arrived at 2-10 Mountain, after you verified they had an appropriate
18 security clearance granted, what occurred, what were you still
19 responsible for?

20 A. To maintain and monitor their clearance status. If it
21 expired they needed to do periodic reinvestigation that required
22 access to the forms.

1 Q. And you also testified a moment ago about a non-disclosure
2 agreement. What is a non-disclosure agreement?

3 A. A non-disclosure agreement is a piece of paper that states
4 how you will handle the classified material, who it belongs to and
5 what could happen to you if it's disclosed to unauthorized sources.

6 Q. Does it have a standard form number?

7 A. It's a Standard Form 312, sir.

8 Q. And what was your normal procedure when a Soldier arrived
9 in order to verify that they had a SF 312 non-disclosure agreement on
10 file?

11 A. When a Soldier in in-processed, I give them the NDA, they
12 were to read the document in full. I would give a brief synopsis of
13 some of the key points. Once they're completed and had no questions,
14 they would sign the agreement and it was filed with all the other
15 non-disclosure agreements.

16 Q. Now, does a 35 Fox require security clearance?

17 A. Yes, sir.

18 Q. And does a 35 Fox typically sign a non-disclosure agreement
19 upon entering the Army or AIT?

20 A. Yes, sir.

21 Q. So why would one have to also fill out another non-
22 disclosure agreement when they show up to the unit?

1 A. Sir, the non-disclosure agreement is generally for that
2 particular unit. I myself have signed seven, sir.

3 Q. Seven in how many years?

4 A. Eleven years, sir.

5 Q. And that procedure you just discussed, what was your role
6 after you briefed the Soldiers about the non-disclosure agreement?

7 A. Was to keep that paperwork on file, sir.

8 Q. Did you have a direct role on the actual form?

9 A. No, sir. I did have to witness and sign that they did
10 verify the information and signed it themselves.

11 Q. And did you ever sign as a witness an NDA that you did not
12 see someone sign?

13 A. No.

14 Q. Do you remember Private First Class Manning's non-
15 disclosure agreement, the one he signed?

16 A. Yes, sir.

17 Q. And did you -- did Private First Class Manning, while at 2-
18 10 Mountain, have access to Secret information?

19 A. Yes, sir.

20 Q. Did he have access to Top Secret information?

21 A. No, sir.

22 Q. But I thought most 35 Foxes had Top Secret security
23 clearance?

1 A. Yes, they had the clearance, yes, sir.

2 Q. Why would Private First Class Manning not have access to
3 Top Secret information?

4 A. Our Top Secret access is for when it's needed to know. At
5 that time in our building we had no JWICS terminals.

6 Q. Just jumping ahead to deployed, how much access did you
7 have to Top Secret SCI information while deployed in the SCIF?

8 A. Very little. Only on a need basis when it came from that
9 particular cell in our office.

10 Q. Did you have readily available -- could you get to a
11 computer system to pull the information?

12 A. No, sir.

13 CDC[MR. COOMBS]: Objection, Your Honor. Relevance. He's not
14 charged with anything that's Top Secret.

15 MJ: Relevance?

16 TC[MAJ FEIN]: Your Honor, the defense has actually established
17 relevance with previous witnesses, having witnesses testify about
18 that Private First Class Manning had other access to the information,
19 to other classified information, so I'm just having Chief Balonek
20 explain to the Court about the procedures down range on access to
21 classified information and what type there is and isn't.

22 MJ: All right. Overruled.

23 **Questions continued by the trial counsel [MAJ FEIN]:**

1 Q. So did you have direct access to Top Secret SCI
2 information?

3 A. No, sir.

4 Q. And then when you did get access, was it on a read and
5 return basis?

6 A. Yes, sir.

7 Q. Explain please for the Court what that means.

8 A. Read and return, ma'am, would be you had a cell that had
9 the access, they would either print this information or let us view
10 it on their computer screen, and that information had remained in
11 their secure area.

12 Q. And was that true for Private First Class Manning and the
13 other analysts?

14 A. Yes, sir.

15 Q. What paperwork -- Going back to Fort Drum, what paperwork
16 did Private First Class Manning need to complete in order to receive
17 access to any of the classified information?

18 A. Aside from the non-disclosure agreement, sir?

19 Q. So a non-disclosure agreement?

20 A. Yes, sir.

21 Q. Did PFC Manning complete that non-disclosure agreement?

22 A. Yes, sir.

1 TC[MAJ FEIN]: Your Honor, I am retrieving what has been marked
2 as Prosecution Exhibit 60 for Identification [retrieving P 60 for ID
3 from the court reporter.]

4 Your Honor, I'm handing the witness Prosecution Exhibit 60
5 for Identification [handing PE 60 for ID to the witness].

6 **Questions continued by the trial counsel [MAJ FEIN]:**

7 Q. Chief Balonek, do you recognize this document?

8 A. Yes, sir.

9 Q. What is this document?

10 A. It is the classified information non-disclosure agreement.

11 Q. How do you recognize this document?

12 A. It states it on the top, sir, and I've used the form for a
13 few years.

14 Q. And what is the date of this non-disclosure agreement?

15 A. Sir, the date is 17 September 2008.

16 Q. Whose name is on the top of this non-disclosure agreement?

17 A. It's Manning, Bradley.

18 Q. Who wrote that name on the top of the non-disclosure
19 agreement?

20 A. I did, sir.

21 Q. How do you know that?

22 A. It's my handwriting.

1 Q. And if you could please flip to page two, is that your
2 signature as a witness signing that non-disclosure agreement?

3 A. Yes, sir.

4 TC[MAJ FEIN]: Your Honor, the United States offers Prosecution
5 Exhibit 60 for Identification into evidence as Prosecution Exhibit
6 60.

7 CDC[MR. COOMBS]: No objection.

8 MJ: May I see it, please?

9 [PE 60 for ID was handed to the military judge.]

10 MJ: Prosecution Exhibit 60 for Identification is admitted.

11 TC[MAJ FEIN]: Your Honor, the United States request permission
12 to publish Prosecution Exhibit 60.

13 MJ: Proceed.

14 [PE 60 was published to the Court.]

15 **Questions continued by the trial counsel [MAJ FEIN]:**

16 Q. Chief Balonek, is your screen working?

17 A. Yes, sir.

18 Q. Now, Chief Balonek, you just testified that before a
19 Soldier who in-processed in your subsection in S-2 Personnel Security
20 that you would go over the non-disclosure agreement with that
21 Soldier?

22 A. Yes, sir.

1 Q. Would you please explain the top part of this and what you
2 would explain to each Soldier as they in-processed, specifically
3 Private First Class Manning? At the very top, what would you
4 describe?

5 A. First paragraph, sir?

6 Q. Yes.

7 A. Starting at the top, it's stated it's an agreement between
8 individual and the United States pertaining to the classified
9 information and for release and handling of it.

10 Q. And then if you look at the last sentence in paragraph one,
11 could you please read that for the Court?

12 A. Yes, sir. It says I understand and accept that by being
13 granted access to special information, special confidence and trust
14 shall be placed in me by the United States government.

15 Q. And what did you explain to individuals, specifically PFC
16 Manning, about that sentence?

17 A. That this is just what it reads, sir, that it's the trust
18 being placed upon you to handle it properly.

19 Q. Okay. Could you please read the first sentence of
20 paragraph three?

21 A. Yes, sir. It says I have been advised that the
22 unauthorized disclosure, unauthorized retention or negligent handling
23 of classified information by me could cause damage or irreparable

1 injury to the United States or could be used to advantage by a
2 foreign nation.

3 Q. Now, what did you explain about that sentence to each
4 individual?

5 A. I would explain that the information that we carry is,
6 needs to be handled properly so it doesn't fall into the wrong hands
7 of any enemy element or others that would do harm to the United
8 States.

9 Q. And could you read the next sentence, sentence two of
10 paragraph three, please?

11 A. I hereby agree that I will never divulge classified
12 information to anyone else unless:

13 A. I have officially verified that the recipient has been
14 properly authorized by the United States government to receive it,
15 or,

16 B. I have been given prior written notice of
17 authorization from the United States government, department or
18 agency, hereinafter department or agency responsible for the
19 classification of the information or last granting me a security
20 clearance that such disclosure is permitted.

21 Q. How did you explain that paragraph to each person in
22 processed in your section?

1 A. I would generally go over if a person didn't have the need
2 to know the information or if they were not authorized to receive it,
3 that it remained where it was.

4 Q. What do you mean by where it was?

5 A. It would remain in our office or in our custody.

6 Q. Okay. And what about the first sentence in paragraph four,
7 would you please read that?

8 A. I have been advised that any breach of this agreement may
9 result in the termination of any security clearances I hold, removal
10 from my position of special confidence or trust requiring such
11 clearances or the termination of my employment or other relationships
12 with the department or agencies that granted my security clearance or
13 clearances.

14 Q. And what did you explain to each Soldier that in-processed
15 about that sentence?

16 A. In easy terms that if you do divulge classified information
17 to unauthorized sources, you will lose your clearance and you will be
18 in trouble.

19 Q. Okay. And then could you go to the third sentence or, I'm
20 sorry, the next sentence in paragraph four?

21 A. In addition, I have been advised that any unauthorized
22 disclosure of classified information by me would constitute a
23 violation or violations of United States criminal laws including the

1 provisions of Section 641, 793, 794, 798, 952 1924 Title 18 United
2 States Code.

3 Q. And then what did you, how did you describe that sentence
4 to individuals who in-processed your section?

5 A. The same as before, sir. I kept it very basic. Just like
6 if you do this, you will lose clearance and be in trouble.

7 Q. And what do you mean by in trouble?

8 A. You will most likely be arrested.

9 Q. And what about the first sentence in paragraph seven?

10 A. States that I understand that all classified information to
11 which I have access to or may obtain access by signing this agreement
12 is now or will remain the property of the United States government
13 unless and until otherwise determined by an authorized official or
14 final ruling of a court of law.

15 Q. And what did you explain or how did you explain that
16 paragraph or that sentence from paragraph seven?

17 A. To the fact that we don't own the information that we are
18 utilizing and we are not allowed to go to unauthorized sources with
19 it. It remains, after you leave the Army it's still the property of
20 the government.

21 Q. Property of who?

22 A. Property of the government, sir.

23 Q. And now on page two, could you please read paragraph 11?

1 A. Sir, it says, I have read this ----

2 TC[MAJ FEIN]: Your Honor, may we have a moment?

3 Your Honor, let the record reflect I'm covering personal
4 identifying information.

5 Q. Could you please read that for the court?

6 A. Yes, sir. It states I have read this agreement carefully
7 and my questions, if any, have been answered. I acknowledge that the
8 briefing officer has made available to me Executive Order and
9 statutes referenced in this agreement and its implementing regulation
10 32 C.F.R. Section 2003.20 so that I may read them at this time if I
11 so choose.

12 Q. And what did you explain particularly about this paragraph
13 11?

14 A. Would ensure that they did read it and understand
15 everything that was on the previous page.

16 Q. And did you -- what special steps did you take to make sure
17 that paragraph 11 was understood?

18 A. It was right before we signed it, sir.

19 Q. Did you ask affirmatively whether they understood?

20 A. Yes, sir.

21 Q. And how did you know if they understood all paragraphs 1
22 through 11?

1 A. I would assume they would have questions if they didn't
2 understand it, sir.

3 Q. Did Private First Class Manning ask you questions about
4 this?

5 A. No, sir.

6 Q. In your experience did Private First Class Manning ask you
7 questions when he had questions?

8 A. Yes, sir.

9 Q. So based off that experience, if he had a question, would
10 he have asked it at the time?

11 A. Yes, sir.

12 Q. Did Private First Class Manning voluntarily sign this
13 document?

14 A. Yes, sir.

15 Q. Did you force him to sign this document?

16 A. I did not, sir.

17 Q. What if he did not want to sign this document?

18 A. He wouldn't have been granted access locally to classified
19 material.

20 Q. Okay. Thank you.

21 TC[MAJ FEIN]: Your Honor, I am retrieving Prosecution Exhibit 8
22 [retrieving PE 8 from the court reporter].

1 MJ: Okay. As we continue, counsel, I want both sides to check
2 the exhibits that you intend to publish and if there is personally
3 identifying information that shouldn't be on there, make a second
4 copy for the publication or somehow otherwise just make sure you have
5 it masked.

6 TC[MAJ FEIN]: Yes, ma'am.

7 Your Honor, I'm handing the witness Prosecution Exhibit 8
8 [handing PE 8 to the witness].

9 **Questions continued by the trial counsel [MAJ FEIN]:**

10 Q. Chief Balonek, could you please thumb through that
11 Prosecution Exhibit 8 and look up when you finish?
12 [There was a pause while the witness reviewed PE 8.]

13 Q. Chief Balonek, what is Prosecution Exhibit 8?

14 A. This is the standard SCI read on packet.

15 Q. What is that packet used for at 2-10 Mountain?

16 A. It's to have the ability to access Top Secret information
17 with special caveats.

18 Q. And why is that document -- or why is that packet required?

19 A. It's similar to the non-disclosure agreement. It's the next
20 level for the Top Secret information.

21 Q. And does -- is it the same general information that is in
22 the non-disclosure agreement, is it throughout that packet?

23 A. Yes, sir.

1 Q. And are Soldiers required to acknowledge and sign it?

2 A. Yes, sir.

3 Q. Thank you.

4 TC[MAJ FEIN]: I am retrieving Prosecution Exhibit 8 from the
5 witness [retrieving PE 8 from the witness and returning it to the
6 court reporter].

7 MJ: Prosecution Exhibit 8?

8 TC[MAJ FEIN]: It's already admitted, Your Honor.

9 Q. Chief Balonek, what section did you work at Fort Drum,
10 although we've referenced it, what section is it?

11 A. I worked in the S-2, sir.

12 Q. And what did PFC Manning do within the section prior to
13 deployment?

14 A. Prior to deployment, he often worked on some of our
15 worldwide briefs that were to the commander while we were on the
16 global response force. He did daily Soldier activities, motor pool
17 maintenance, PT.

18 Q. What is the global response force?

19 A. It's the brigade that is on call in case a surge brigade is
20 needed anywhere in the world.

21 Q. And what type of briefings were required in order to be --
22 you just mentioned Private First Class Manning preparing briefings or
23 other products. What types of product would those be?

1 A. PowerPoint slides, mostly things that have already been
2 published by higher level agencies and intelligence cells that we
3 would bring into our own presentations and have the commander fully
4 aware.

5 Q. And did these briefings also include the CENTCOM AOR?

6 A. They did.

7 Q. Afghanistan or Iraq?

8 A. Yes, sir.

9 Q. Which one? I'm sorry.

10 A. At times it could be both, sir.

11 Q. Why?

12 A. At that time we had kind of a dual focus. We were supposed
13 to go to Afghanistan, but our mission changed to Iraq.

14 Q. Prior to deployment and the immediate ramp up, how many
15 analysts were in the brigade S-2 shop, approximately?

16 A. Prior to us leaving, sir?

17 Q. Prior to your deployment -- that deployment, yes, that
18 Private First Class Manning attended -- joined?

19 A. Four to five, sir.

20 Q. Total analysts?

21 A. E4 and below, yes, sir.

22 Q. Four or five?

23 A. Yes, sir.

1 Q. And your job was personnel security?

2 A. Yes, sir.

3 Q. How did you do -- or did you do any training to prepare for

4 your last deployment, your deployment to Iraq?

5 A. I did attend Master Analyst Course, that was one of my

6 major training portions.

7 Q. Did the unit go to training?

8 A. The unit went to JRTC twice.

9 Q. Twice. Why twice?

10 A. One was Afghan focused, the second was an Iraq focus.

11 Q. When was the Afghanistan focus JRTC deployment?

12 A. 2008, sir.

13 Q. And did you attend this JRTC deployment?

14 A. Yes, I attended that.

15 Q. Did PFC Manning attend the JRTC deployment with you?

16 A. He did, sir.

17 Q. And what were your responsibilities -- what was the -- what

18 role did you fill during this deployment?

19 A. At that time I filled the night shift. We were primarily

20 helping the day shift pull the information they needed and put

21 together any slides that they needed for the day.

22 Q. Was Private First Class Manning with you on the night

23 shift?

1 A. Yes, sir.

2 Q. Were you responsible for him on the night shift?

3 A. Yes, sir.

4 MJ: Major Fein, before we talk about -- what period of time are
5 we talking about?

6 TC[MAJ FEIN]: Yes, ma'am.

7 Q. When was this JRTC rotation?

8 A. October of 2008, sir.

9 Q. October of 2008?

10 A. Wait. I'm trying to remember JRTC timeframes.

11 Q. Take your time. That's fine.

12 A. Yes. It was late 2008, sir.

13 Q. How many times have you been to JRTC?

14 A. Just once, sir.

15 Q. Why didn't you go to the second JRTC?

16 A. The second one coincided with my Master Analyst Course
17 dates.

18 Q. Okay. So the first one that we're talking about right now
19 that you attended with Private First Class Manning, was when?

20 A. 2008, sir.

21 Q. Of?

22 A. October, sir.

23 Q. October 2008?

1 A. Yes, sir.

2 Q. And did you observe Private First Class Manning working in
3 your area while at the JRTC?

4 A. Yes, sir.

5 Q. And how so?

6 A. He sat right across the table from me, sir.

7 Q. And what type of training occurred there between you and
8 Private First Class Manning?

9 A. We did primarily DCGS training and some data mining and
10 some slideology, sir, some presentation.

11 Q. You're using some terms here. What do you mean by DCGS
12 training?

13 A. DCGS training, the software from the DCGS system, whether
14 it be ArcGIS or multi-function work station.

15 Q. Okay. And what is slideology?

16 A. Slideology is slide format, sir.

17 Q. So just formatting?

18 A. We also worked on the intelligence summary for the day.

19 Q. Okay. What was the intelligence summary?

20 A. It's a Word document with a roll up of all of the
21 intelligence reporting.

22 Q. And when you say work on, what were the specific tasks that
23 you and Private First Class Manning had to accomplish for that?

1 A. It was compiling all of the daily reporting into one
2 document, basically a copy and paste.

3 Q. Did you have to understand what the reporting was in order
4 to compile it?

5 A. Yes. Often had to tag with an analyst comment of what we
6 thought and what we thought it meant.

7 Q. And what were the sources of those reports?

8 A. Generally the reports of JRTC come through the white cell.

9 Q. Through what type of system?

10 A. Through SIPRNET, sir.

11 Q. And is it through email or is it through DCGS you said or
12 ArcGIS. You've used a lot of terms.

13 A. The information can come from a variety, it could be email,
14 it could from their portal that's specific to JRTC.

15 Q. And when did you deploy for the fourth time?

16 A. Yes, sir. Sir, it was October 2009.

17 Q. And did you deploy with the main body of 2-10 Mountain?

18 A. Yes, sir. Main body One.

19 Q. Was Private First Class Manning on main body one with you?

20 A. Yes, sir.

21 Q. And where did you deploy to?

22 A. We deployed to -- we were East of Baghdad.

23 Q. At what FOB?

1 A. FOB Hammer.

2 Q. How long did it take you to get to FOB Hammer?

3 A. From day 1 in Kuwait, sir?

4 Q. Yes.

5 A. Day 1 in Kuwait was approximately 3 weeks before we
6 actually arrived at Hammer.

7 Q. And when you arrived at FOB Hammer, what occurred
8 immediately after arriving or, not immediately -- excuse me. What
9 did you do in the S-2 shop once you arrived?

10 A. We arrived and met our counterpart from 3-82, got to know
11 our counterparts and what they were working on. We took part in what
12 they call the right seat, left seat ride where we learned everything
13 that they had been doing in order for us to eventually take over.

14 Q. Can you please explain to the Court what you mean by left
15 seat, right seat?

16 A. Yes, sir. Ma'am, left seat, right seat ride is basically -
17 - it's pictured like a car. When we first get there, we're in right
18 seat mode like the passenger watching the previous unit conduct
19 operations and gathering information is how we're going to go. Once
20 we go in the left seat is us driving and conducting operations while
21 the previous unit starts to filter out of country and assist us in
22 any way they can before they go.

1 Q. And when did 3rd Brigade of 82nd Airborne, when did they
2 start trickling out of country like you just talked about?

3 A. Certain people almost immediately upon our arrival.

4 Q. When did the majority of the S-2 shop of leave?

5 A. Mid to late November, sir.

6 Q. When is the first time an analyst in the S-2 section would
7 have had access to SIPRNET with another individual not on their left
8 seat or right seat?

9 A. Around the same time.

10 Q. When was that?

11 A. Mid to late November, sir.

12 Q. Mid to late November?

13 A. Yes, sir.

14 Q. What did you have to do paperwork-wise in order to get
15 access to a computer on FOB Hammer?

16 A. For each medium, whether it be unclassified, SIPRNET, you
17 had to fill out a user agreement with the S-6 for them to create you
18 a user name and password. Once they created your user name and
19 password, you could access either system.

20 Q. This user agreement, did you have to sign it?

21 A. Yes, sir.

22 Q. Was this done prior to deployment or in theatre?

23 A. It was done in theatre, sir.

1 Q. What was your position -- your duty position while at FOB
2 Hammer in S-2 section?

3 A. It was the Shia extremist group team lead.

4 Q. And what were your general responsibilities for that?

5 A. General responsibilities were to research the threat groups
6 that were associated with that area and produce analysis on those
7 particular groups and areas.

8 Q. And you said team lead. If you were the technical team
9 lead, explain briefly for the Court what was the structure of your
10 team.

11 A. Structure was I was the lead. I had then Specialist
12 Maderas on the days and PFC Manning on the nights.

13 TC[MAJ FEIN]: One moment, please.

14 [Pause.]

15 Q. And explain, please, just again very briefly where did your
16 section fall under, kind of like in an org chart of the S-2 section?

17 A. We would fall under the all-source warrant Chief Ehresman,
18 then routing through the AS-2 was Captain Lim, and then in the S-2,
19 Major Clausen.

20 Q. What shift did you work?

21 A. I worked the days, sir.

22 Q. And how would work get delegated to you and then from you?

23 A. It would generally come from the S-2 himself or the AS-2.

1 Q. How would you delegate work to the analysts that worked for
2 you? You said -- was it Maderas and PFC Manning?

3 A. Yes, sir.

4 Q. How did you delegate work to them?

5 A. When I needed stuff done, I would either turn and talk to
6 them or I would wrap it up in an email so they had actual text of
7 exactly what we needed.

8 Q. And how was work prioritized?

9 A. By me.

10 Q. And who is Captain Fulton?

11 A. Captain Fulton in the beginning was the plans officer, the
12 S-2 plans officer.

13 Q. Could you please describe in a little bit more but in a
14 definitely in an unclass manner world the work of a Shia analyst?

15 A. We pulled HUMINT reporting, whatever reporting we could on
16 our particular groups. We looked at SIGACTs that correlated to
17 those groups and we tried to produce it into one holistic product on
18 how those groups conducted their operations and attacked U.S. forces.

19 Q. And what computer systems did you and your analysts use in
20 order to accomplish this mission?

21 A. We used the DCGS system.

22 Q. What is DCGS? What does the acronym stand for?

1 A. It stands for the Distributed Common Ground Station Army,
2 it's often referred to as DCGS-A.

3 MJ: Hold on just a minute. Say that one more time. What is
4 it?

5 WIT: Distributed Common Ground System-Army, ma'am.

6 MJ: Thank you.

7 Q. And, again, briefly describe what DCGS-A is, please?

8 A. In essence DCGS is a computer with a specific software
9 suite loaded on to it. It has specific programs that are DCGS
10 approved for the analysts to use.

11 Q. And what are some of those programs that are on this DCGS-A
12 system?

13 A. ArcGIS, it's a mapping tool. The multi-function work
14 station, which is a larger program that is a mixture of all of the
15 main programs. It has a lighter version of ArcGIS, it has a link
16 diagram tool, it does some other analytical processes.

17 Q. Are there any other programs on DCGS?

18 A. Other than standard stuff like Microsoft Office.

19 Q. What about QueryTree?

20 A. QueryTree, sir, is a web-based program.

21 Q. And what is QueryTree?

22 A. QueryTree is a way to search multiple intelligence
23 databases at one time using one search parameter.

1 Q. What is ArcGIS?

2 A. ArcGIS is a mapping -- it's a geo spatial tool for map.

3 Q. And how does an analyst use ArcGIS?

4 A. They can plot significant activities on the map. They can

5 use it to show density plots to show where higher degrees of activity

6 has been occurring. You can use it to time stamp data so you can do

7 pattern and trend analysis. It really helps paint the picture of the

8 point we're trying to get across.

9 Q. And how does an analyst get the information into ArcGIS to

10 do what you just described?

11 A. You can do it a multiple number of ways. You can use an

12 Excel spread sheet and import multiple amounts of points at the same

13 time, you can draw lines, you can use boundary shaped files, you can

14 color areas. I mean it's a multitude of ways you can import data

15 into the system.

16 Q. And did every analyst know all these ways that you're

17 describing that seem so simple?

18 A. If they didn't, we had an embedded mentor that was there to

19 assist us in those processes.

20 Q. Were other Soldiers used as onsite SMEs for simple tasks

21 like Excel Spread-sheeting?

22 A. Yes, sir.

23 Q. Was PFC Manning one of those individuals?

1 A. Yes. PFC Manning was good at those, yes.

2 Q. Was he better than most?

3 A. I would say yes.

4 Q. Did you rely on PFC Manning to help you with the computer

5 understanding how the information goes from one system into the

6 other?

7 A. I asked for more help with formatting.

8 Q. What is CIDNE?

9 A. CIDNE is another web-based data search that houses

10 reporting from either Iraq or Afghanistan or significant activity or

11 attacks.

12 Q. You said Iraq or Afghanistan. Are there separate CIDNE

13 databases?

14 A. Yes, sir.

15 Q. How do you know that?

16 A. Because there is a letter at the end. It's CIDNE-I and

17 CIDNE-A.

18 Q. And could you access the CIDNE-A in Iraq?

19 A. You could, yes, sir.

20 Q. Could you do it direct or another way?

21 A. I don't remember going there, but it's accessible.

22 Q. Why did you never use CIDNE Afghanistan?

23 A. I was in Iraq, sir.

1 Q. Why would an intelligence analyst not use Afghanistan
2 intelligence information in Iraq?

3 A. It didn't have data that was relevant to the work that I
4 was performing in Iraq.

5 Q. And what work was that?

6 A. SIGACT analysis, intelligence analysis, pattern trend, and
7 reading HUMINT, SIGINT reporting.

8 Q. For what threat group?

9 A. Shia analysts, sir.

10 Q. That was the same one that Private First Class Manning was
11 responsible for?

12 A. Yes, sir.

13 Q. What are SIGACTs?

14 A. SIGACTs can be any significant activity that the unit would
15 report. It ranges from something very small like local national
16 intimidation to larger and complex attacks. There are maybe a
17 hundred to 150 different types of SIGACTs that could be uploaded.

18 Q. And did you and the other analysts use SIGACTs?

19 A. Yes, sir.

20 Q. Why?

21 A. SIGACTs help paint the picture of some of the patterns and
22 some of the tactics that enemy forces were using at the time. It
23 gives a historical perspective as to how they operated?

1 Q. What did SIGACTs look like, again, keeping this
2 unclassified?

3 A. They were -- I mean, there was an ICON associate plus there
4 was a write-up of what happened and where, when and who it happened
5 to.

6 Q. The SIGACTs in CIDNE, were they in some database form?

7 A. They could be.

8 Q. And was there an entry about the classification?

9 A. Yes, sir.

10 Q. Did all SIGACTs have a classification marking of some sort?

11 A. Yes, sir.

12 Q. Is it clear by reading the SIGACT what its classification
13 was or is?

14 A. Yes, sir. It's generally on the top and bottom of every
15 report.

16 Q. Why is -- you mentioned historic information. Why is
17 historic information -- or why was historic information important to
18 you as a Shia analyst?

19 A. You can go back and look at how the groups operated, and
20 many times history tended to repeat itself within those SIGACTs and
21 those groups would use same areas, same timeframes, same types of
22 munitions, to help us gain a little perspective as to the when and
23 the where they might attempt to attack U.S. forces.

1 Q. So did you and the analysts rely on the historic SIGACTs?
2 A. Yes, sir.
3 Q. Were they of value?
4 A. Yes, sir.
5 Q. Did PFC Manning use historic SIGACTs?
6 A. Yes, sir.
7 Q. How do you know?
8 A. Mostly I remember he had one -- he had a product that
9 compared the past 3 years of Iraq SIGACTs, they were all in one big
10 group number and it showed them in a graph of how each year had
11 either changed, gone up or gone down.
12 Q. In general about SIGACTs or topical areas?
13 A. In general about SIGACTs.
14 Q. Did PFC Manning have to pull certain types of information
15 from SIGACTs?
16 A. Yes, sir.
17 Q. What type of information?
18 A. Mostly locational, what type of attack it was.
19 Q. What are some examples of the attacks?
20 A. IED attack, small arms fire against a convoy, could be a
21 ----
22 Q. Go ahead, I'm sorry.
23 A. Vehicle-borne explosive device.

1 Q. Would one have to understand that that information was in
2 the SIGACT to pull the SIGACT as an analyst?

3 A. Yes, sir.

4 Q. Did PFC Manning do that effectively for you?

5 A. Yes, sir.

6 Q. Have you ever used Department of State classified or
7 unclassified information as an analyst?

8 A. I have not, sir.

9 Q. Could you have?

10 A. I'm sure I could have, sir.

11 Q. If you had access to it you could have?

12 A. Yes, sir.

13 Q. Did you or your analysts ever have a reason to research
14 information on South America?

15 A. No, sir.

16 Q. What about Europe?

17 A. No, sir.

18 Q. Africa?

19 A. No, sir.

20 Q. East Asia?

21 A. No, sir.

22 Q. Did you or your analysts ever have reason to review reports
23 on U.S. air strikes in Afghanistan?

1 A. No, sir.

2 Q. You or your analysts ever have a reason to review GTMO
3 detainee records?

4 A. No, sir.

5 Q. For your mission as a Shia analyst in Iraq, you didn't have
6 a need to review GTMO detainee records?

7 A. No, sir.

8 Q. Did you or your analysts ever have a reason to search
9 Intellink or the SIPRNET for information on the country of Iceland?

10 A. No, sir.

11 Q. What about Senior Officials in Iceland?

12 A. No, sir.

13 Q. What about searching the SIPRNET or Intel -- what is
14 Intelink?

15 A. Intel Link in a nutshell is the SIPR version of Google.

16 Q. Okay.

17 A. It's a search engine that allows you to find, sometimes
18 quickly, the information you're looking for.

19 Q. How did analysts use Intelink?

20 A. For, I mean, if you couldn't find something, you
21 usually try Intelink first to see if you can pull it out without
22 having to go in the databases and look specifically for one
23 single report. If you had a numbered report you could look in

1 Intelink and find that specific report without having to muddle
2 through some of the database.

3 Q. Was using Intelink a common tool used by the 35 Foxes Shia
4 analysts?

5 A. Yes, sir.

6 Q. Would there be any reason that you or any of your analysts
7 would be looking at AR 15-6 investigations in U.S. CENTCOM
8 operations?

9 A. No, sir.

10 Q. What about researching WikiLeaks on Intelink?

11 A. No, sir.

12 Q. How about in 2010 downloading the entire global address
13 book for NIPRNET?

14 A. No, sir.

15 Q. Chief Balonek, in reference to Intelink, how long do you
16 estimate it takes to search for a single document and download that
17 document to use?

18 A. Depending on the size of the file, sir, if it was a small
19 file, it could be less than a minute; a larger file could take maybe
20 ten minutes.

21 Q. Why does file size matter?

22 A. The bandwidth down range is a little slower than it is in
23 CONUS.

1 Q. Assuming best case bandwidth, fastest Internet access
2 you've ever had, how long would it take you to download a single
3 document?

4 A. A matter of seconds.

5 Q. Okay. A single document?

6 A. Yes, sir.

7 Q. Chief Balonek, have you ever heard of the program WGet?

8 A. I have not, sir.

9 Q. What would you have done if you wanted to add a program to
10 your computer, excuse me, to your DCGS-A SIPRNET computer?

11 A. For DCGS you have to go through our field support engineer
12 who at that time was Mr. Millman.

13 Q. What about SIPRNET that was not DCGS-A?

14 A. SIPRNET that was not DCGS-A went through the S-6.

15 Q. Are you familiar with mIRC chat?

16 A. Yes, sir.

17 Q. How are you familiar with it?

18 A. It's a common chat tool that's used by many of the
19 collection platforms that are in theatre to communicate to the ground
20 user.

21 Q. Could you explain that? Could you explain that again --
22 well, what is mIRC chat?

23 A. It's a chat tool.

1 Q. Is it similar to instant messaging?

2 A. Yes, sir.

3 Q. And is mIRC chat used throughout Iraq?

4 A. Yes, sir.

5 Q. Did you communicate with division headquarters using mIRC

6 chat?

7 A. I personally did not.

8 Q. Okay. Are you aware if division headquarters used mIRC

9 chat to communicate?

10 A. I'm sure they did. I generally monitored collection

11 platforms that were flying in our area.

12 Q. Okay. So were there different channels of mIRC chat?

13 A. Yes, sir, there are many different channels.

14 Q. Did you have to subscribe to a channel?

15 A. You do not have to subscribe, you kind of have to double

16 click to where you want to go.

17 Q. And then you can monitor it?

18 A. Yes, sir.

19 Q. So when you talk about intelligence collection platforms,

20 you're talking about what?

21 A. Mostly UAV and UAS.

22 Q. What is UAV and UAS?

1 A. Unmanned aerial vehicles with a camera that would like a
2 shadow.

3 Q. Is that theatre-wide those exist?

4 A. Yes, sir.

5 Q. Was mIRC chat used by every echelon within Iraq?

6 A. Yes, sir.

7 Q. Chief Balonek, did you receive adverse action based off
8 your involvement or your being assigned to 2-10 Mountain and this
9 court-martial?

10 A. Yes, sir.

11 Q. And what was that adverse action?

12 A. It was a locally filed letter of reprimand.

13 Q. And who gave you this general officer -- I'm sorry. Was it
14 a general officer or was it a ----

15 A. It was a general officer, yes, sir.

16 Q. And who gave you this general officer reprimand?

17 A. Lieutenant General Caslan.

18 Q. And what was the reprimand for?

19 A. Reprimand base was failure to supervise properly PFC
20 Manning.

21 Q. And what was the end -- was that general officer memorandum
22 of reprimand filed locally or in your permanent file?

23 A. It was locally, sir.

1 Q. How many years was it filed for?

2 MJ: Yes?

3 CDC[MR. COOMBS]: Just relevance, ma'am, for this.

4 MJ: What's the relevance?

5 TC[MAJ FEIN]: Ma'am, I withdraw the question.

6 MJ: Okay.

7 [Examination of the witness continued.]

8 Q. Chief Balonek, based on your training and knowledge of
9 classified information, have you ever disclosed classified
10 information to an unauthorized person?

11 A. No, sir.

12 Q. Why not?

13 A. It's against the law, sir.

14 CDC[MR. COOMBS]: Again, ma'am, just relevance to this as
15 well.

16 MJ: Where are we going with this?

17 TC[MAJ FEIN]: Your Honor, the defense is clearly contesting
18 knowledge. The United States has to prove knowledge for all of the
19 793 offenses, knowledge of disclosure and the potential effects of
20 the disclosure, and that's why we're eliciting.

21 MJ: Well, the fact that he didn't disclose doesn't show
22 anything about anybody else's knowledge so I'm going to sustain that.

23 TC[MAJ FEIN]: Yes, ma'am.

1 No further questions, Your Honor.

2 **CROSS-EXAMINATION**

3 **Questions by the civilian defense counsel [MR. COOMBS]:**

4 Q. Chief Balonek, how are you?

5 A. I'm well, sir. How are you?

6 Q. Not bad. Just have a few questions for you. I want to
7 start off with, you became a warrant officer in 2010, is that right?

8 A. That's correct, yes, sir.

9 Q. So at the time of the deployment you were an NCO?

10 A. Yes, sir.

11 Q. And I guess at that time you were also a 35 Fox?

12 A. Yes, sir.

13 Q. So you went to the same 35 Fox training that PFC Manning
14 went to?

15 A. They may have been structured different, but yes.

16 Q. It was the 10 level course?

17 A. Yes.

18 Q. And after that 4 month course, what annual training did you
19 get as an analyst?

20 A. We do the standard, we do the OPSEC, we do SAET, the
21 Subversion and Espionage Training.

22 Q. That's the online training?

23 A. It can be online; it can also be done by lecture.

1 Q. Okay. And you were part of 2nd Brigade in the 2009, 2010
2 timeframe?

3 A. Yes, sir.

4 Q. And you actually arrived in 2006 though?

5 A. That's correct, sir.

6 Q. And you started off in the current Ops NCO in the TOC?

7 A. Yes, sir.

8 Q. And then you became the collection manager in charge of
9 delegating intelligence, surveillance and reconnaissance assets?

10 A. Yes, sir.

11 Q. And once deployed you became the Shia team threat leader?

12 A. That's correct, sir.

13 Q. And as the Shia team threat leader, you were in charge of
14 watching and assessing various insurgent groups; is that correct?

15 A. Yes, sir.

16 Q. You would then determine how these groups kind of fit into
17 your area of operation?

18 A. Yes, sir.

19 Q. You indicated you had anywhere from just one or two
20 Soldiers working for you at a time?

21 A. Generally, just one at a time, sir. We only had a three
22 person element.

23 Q. And one of those Soldiers was PFC Manning?

1 A. That's correct, sir.

2 Q. And you had both a Shia day shift and a Shia night shift?

3 A. Yes, sir.

4 Q. And on the Shia day was yourself and Specialist Maderas, is

5 that correct?

6 A. In the beginning, yes, sir.

7 Q. And then the Shia night was Specialist Cooley and PFC

8 Manning?

9 A. Manning was the Shia, Cooley was the Sunni counterpart.

10 Q. And who was the NCOIC of the night shift?

11 A. It changed a lot, sir. In the beginning it was Specialist

12 Padgett, it was Master Sergeant Adkins, it was Sergeant Tau.

13 Q. Specialist Showman in the beginning?

14 A. For a very short period in the beginning, sir.

15 Q. And then PFC Manning initially started off on the night

16 shift, right?

17 A. Yes, sir.

18 Q. And then he was moved eventually to the day shift?

19 A. That's correct, sir.

20 Q. Do you recall when that happened?

21 A. It was shortly after he came back from him R and R leave,

22 sir.

23 Q. So in February 2010?

1 A. Yes, sir.

2 Q. So up until February 2010, he was on the night shift?

3 A. That's correct, sir.

4 Q. And then when he was moved to the day shift, who was his
5 supervisor?

6 A. That would be me, sir.

7 Q. I want to talk just for a moment before we get into PFC
8 Manning's duty performance just the job of an analyst for a second,
9 okay?

10 A. Yes, sir.

11 Q. Now, in general you expect an analyst to read a lot of
12 things, right?

13 A. Yes, sir.

14 Q. Because an analyst is a, I believe someone's explained it
15 at one point, a jack of all trades, a master of none; would you agree
16 with that?

17 A. I don't like tagging the master of none, but I guess jack
18 of all trades.

19 Q. All right. So in other words, you got to have a lot of
20 base knowledge in order to maybe do your job well?

21 A. Yes, sir.

22 Q. You would expect your analysts to think out of the box?

23 A. At times, yes, sir.

1 Q. You would expect your analysts to maybe look for open
2 source information to supplement their work?

3 A. Yes, sir.

4 Q. And in fact, you would look at open source information to
5 supplement your work?

6 A. Yes, sir.

7 Q. And open source information is just stuff that's on the
8 Internet that's not classified, right?

9 A. Correct.

10 Q. And I believe you had maybe looked at Early Bird?

11 A. Yes, sir.

12 Q. And other news organizations for information?

13 A. Yes, sir.

14 Q. And analysts -- as far as an all-source analyst, their main
15 source of work was on the SIPRNET, is that right?

16 A. That's correct, sir.

17 Q. And if the information wasn't password protected, an
18 analyst was permitted to look at information on the SIPRNET?

19 A. Yes, sir.

20 Q. There were no restrictions put out, do not go to this area
21 as an analyst?

22 A. No, there were not.

1 Q. So essentially if an analyst wanted to look at other things
2 on the SIPRNET in order to get a broader base knowledge, they were
3 free to do so?

4 A. Yes, sir.

5 Q. You would not have stopped an analyst from doing that?

6 A. No, sir.

7 Q. Now, one of the things that an analyst would look at was
8 the CIDNE database, right?

9 A. That's correct, sir.

10 Q. And the CIDNE database has a lot of different information
11 going into it, is that correct?

12 A. That's correct, sir.

13 Q. And one of those pieces of information is the SIGACT
14 database?

15 A. Yes, sir.

16 Q. And I'm sorry to put you on the spot, but can you think of
17 some of the other databases that were in the CIDNE database?

18 A. The one I used the most was the HUMINT database.

19 Q. And the HUMINT database was what?

20 A. It was filled with HUMINT IIRs from various areas and
21 various sources.

22 Q. So this would be the human intelligence that we had from
23 sources -- true sources in Iraq?

1 A. Yes, sir.

2 Q. Now, in the human reports, you wouldn't identify the
3 sources by name, right?

4 A. No, sir.

5 Q. They were by number?

6 A. That's correct.

7 Q. And with regards to the SIGACTs, SIGACTs, they didn't have
8 sources in them, right?

9 A. They had a reporting -- they had the name of whoever
10 reported the SIGACT.

11 Q. But I'm talking sources, sources for information.

12 A. Not that I can remember, sir.

13 Q. You wouldn't list a true HUMINT source in a SIGACT,
14 correct?

15 A. No, sir.

16 Q. You wouldn't do that because, why?

17 A. To protect the source.

18 Q. Exactly. Now, you had indicated at one point during the
19 direct that SIGACTs were a historical document?

20 A. Yes, sir.

21 Q. Am I correct that basically what a SIGACT does, significant
22 activity, is give you the five Ws, the who, what, where, when, why;
23 is that right?

1 A. There's probably a little more to it. It will give you that
2 information, yes, sir.

3 Q. Okay. And, again, what a SIGACT will do is essentially if
4 a unit's engaged with the enemy, you're going to get a SIGACT report,
5 right?

6 A. Yes, sir.

7 Q. And the SIGACT is going to come from the lowest level unit,
8 the unit that's actually engaged in the combat?

9 A. That's correct, sir.

10 Q. If something else happens like an accidental death of a
11 service member due to a movement accident or killing of a civilian or
12 whatnot, that also will go into a SIGACT?

13 A. Yes, sir.

14 Q. Again, reported by the lowest level?

15 A. Correct, sir.

16 Q. And the that reporting basically gets put up the chain?

17 A. Yes, sir.

18 Q. How does it get from the lowest level unit to the S-2
19 section?

20 A. Generally we see it through the Command Post of the Future
21 or CPOF, it usually populates on our screen, then we can view the
22 SIGACT.

1 Q. Now, that way of getting to the CPOF, that's at the part
2 that's already part of CIDNE; is that correct?

3 A. The CPOF is a separate system, sir.

4 Q. When you can see it on the CPOF, has it been added to the
5 CIDNE database at that point?

6 A. I couldn't tell you when and how it gets to the CIDNE
7 database, but I know it gets there eventually.

8 MJ: What is the CPOF?

9 WIT: CPOF, ma'am, is the Command Post of the Future. It's
10 another computer system.

11 MJ: Sorry.

12 CDC[MR. COOMBS]: No worries, ma'am.

13 [Examination of the witness continued.]

14 Q. So then you start out with the SIGACT at the lowest level
15 unit, it gets reported to somebody as a battle captain I imagine, is
16 that correct?

17 A. Yes, sir.

18 Q. And then they basically get that information, type it up,
19 and then my understanding, correct me if I'm wrong, over the next
20 maybe 24 to 48 hours that SIGACT is updated and changed; is that
21 right?

22 A. That's correct, sir.

1 Q. And that's usually because the initial reporting of a
2 SIGACT has inaccuracies?

3 A. It can, yes, sir.

4 Q. Maybe because they don't have all the information?

5 A. Yes, sir.

6 Q. So then after like 48 hours or so you get a finalized
7 SIGACT where you know all the information?

8 A. Yes, sir. It will show on the bottom as closed.

9 Q. Okay. And at that point it goes up kind of the echelon
10 chain from brigade to division to core to CIDNE database?

11 A. To the best of my knowledge, sir.

12 Q. All right.

13 MJ: Do you know?

14 WIT: I do not, ma'am. I don't know the exact chain of how a
15 SIGACT goes up beyond brigade.

16 [Examination of the witness continued.]

17 Q. Okay. So nowhere in your -- you don't know what happens to
18 a SIGACT after brigade?

19 A. Once it's on the CPOF, sir, it can be seen by higher
20 echelons.

21 Q. Okay. And I want to make sure because we're relying upon
22 your testimony so I don't want to put words in your mouth. Do you

1 know what happens to a SIGACT like how it gets up reported past
2 brigade?

3 A. It wasn't in my realm of responsibilities, sir.

4 Q. So is that a no?

5 A. That's a no, sir.

6 Q. When you actually see it -- you talked about the fact that
7 it's kind of a historical document. It's historical because it talks
8 about stuff that happened in the past, correct?

9 A. Yes, sir.

10 Q. And then you as an intelligence analyst then would take
11 that accounting of what happened in the past and you would pull
12 information in order to maybe predict an analysis of what might
13 happen in the future?

14 A. That's correct, sir.

15 Q. And obviously that's kind of a goal of an analyst then to
16 maybe read the tea leaves of what happened in the past in order to
17 predict the future?

18 A. Yes, it is one of our focuses, sir.

19 Q. And I imagine that's a skill that takes time to develop?

20 A. Yes, sir.

21 Q. One doesn't leave the ten level analyst course at Fort
22 Huachuca and then become an expert at analytical work, correct?

23 A. It varies, but for the most part that's correct.

1 Q. And additional training you would get then would be kind of
2 on-the-job training where someone like yourself would mentor and
3 supervise a younger Soldier?

4 A. Yes, sir.

5 Q. I imagine much like with you, somebody supervised and
6 mentored you?

7 A. To a degree, yes, sir.

8 Q. And that's how you developed and became a good analyst?

9 A. Yes, sir.

10 Q. Now, when an analyst was using the CIDNE database, was
11 there any limitation on what they could look at on the CIDNE
12 database?

13 A. I don't know if there's any limitation, sir. You can pull
14 data up from probably the beginning of each of the conflicts.

15 Q. You mentioned only one database and, again, if that's the
16 only one you use, that's fine, but what other database was available
17 on CIDNE besides SIGACT and HUMINT?

18 A. I can't remember. There was more links down the left
19 side, sir, but I never used them and I can't remember what they were,
20 sir.

21 Q. Does SIGINT sound familiar?

22 A. Yes, sir. I never -- I didn't -- I don't believe I ever
23 used that portion.

1 Q. What is SIGINT?

2 A. Signals intelligence, sir.

3 Q. And what is that, to an unclassified?

4 A. I'm trying to think of the best unclass way to say it.

5 Q. Again, I won't put you on the spot. That's fine. And then

6 was counter IED a database?

7 A. I don't remember if it was or not, sir.

8 Q. How about any sort of PSYOPS or anything like that, was

9 that a database?

10 A. It may have. I don't remember, sir.

11 Q. Even though you can't recall the databases, how many other

12 databases in general were on CIDNE; was it just a select few or do

13 you think there are quite a few other database?

14 A. I remember there being pull-downs along the left side.

15 Q. Do you recall just -- I know it's a little bit of I'm not

16 for sure, but are we talking just a few pull-downs or quite a few?

17 A. Less than a dozen.

18 Q. And each one of those represented information and

19 databases?

20 A. Yes, sir.

21 Q. And an analyst could go to that and look at anything they

22 wanted there?

23 A. Yes, sir.

1 Q. Do you know if anyone ever saved information from the CIDNE
2 database on to their SIPR hard drive?

3 A. It had to be saved in Excel format in order to utilize that
4 information.

5 Q. Could an analyst download whatever they wanted on to their
6 SIPRNET hard drive?

7 A. Yes, sir.

8 Q. And if I were an analyst and I wanted to download let's
9 just say all the SIGACTs for a given year, could I do that?

10 A. It would take some time, but yes, you could, sir.

11 Q. In fact, you've done that?

12 A. Maybe not for a whole year, but for periods of time, yes,
13 sir.

14 Q. Do you recall saying to me that you downloaded for a whole
15 year in order to track trends?

16 A. I don't recall for a whole year, sir.

17 Q. What do you recall?

18 A. I would normally go in month spans, maybe two to three
19 months.

20 Q. If I were an analyst and I wanted to download for a whole
21 year, any problem with that?

22 A. No, sir.

1 Q. Now, with regards to downloading the information, if I
2 wanted to save that information on to a CD to have access to it, any
3 problem with that?

4 A. No, sir.

5 Q. And when you were talking earlier with Major Fein about how
6 long it would take with the fastest ever Internet connectivity, if
7 you actually had it downloaded on your SIPR computer, did you have to
8 rely on the Internet connectivity?

9 A. Not if it was downloaded, no, sir.

10 Q. And if you actually had it on a CD, did you have to rely on
11 that?

12 A. No, sir.

13 Q. So that would give you quicker access to information?

14 A. Yes, sir.

15 Q. Now, I also imagine sometimes the SIPRNET was down, is that
16 right?

17 A. At times, yes, sir, it did go down.

18 Q. So when the SIPRNET was down, if you didn't have
19 information on your hard drive or on a CD, you really couldn't do
20 much?

21 A. That's correct, sir.

22 Q. So that might be another reason why you would download this
23 information?

1 A. Yes, sir.

2 Q. Now, I want to ask you about PFC Manning's duty performance
3 while in garrison, okay?

4 A. Yes, sir.

5 Q. So prior to deployment. Was he ever assigned to you and
6 under your supervision when you were in garrison?

7 A. No, sir.

8 Q. Was there ever a time though that you were in his chain?

9 A. Towards the -- I mean towards the -- when we were getting
10 towards deployment, I would have been two levels above Showman, above
11 Mitchell.

12 Q. Okay. So as I understand it then, PFC Manning's immediate
13 supervisor was Specialist Showman?

14 A. Yes, sir.

15 Q. Her supervisor was Sergeant Mitchell, and then his
16 supervisor was you?

17 A. Yes, sir.

18 Q. Because you're in the chain then, would you expect to hear
19 information about any Soldier that is in your direct chain?

20 A. Yes, sir, I would expect that.

21 Q. And you would expect that because as a leader you need to
22 know everything about your Soldiers?

23 A. Yes, sir.

1 Q. So if somebody had information about one of your Soldiers
2 that would impact on their deployability, you would expect to hear
3 that?

4 A. Yes, sir.

5 Q. Especially going into a deployment?

6 A. Yes, sir.

7 Q. And if anyone had any information about whether or not a
8 particular analyst under your supervision should or should not have a
9 clearance, a security clearance, you would expect to hear that too?

10 A. Yes, sir.

11 Q. At any point did you hear from anybody in your chain on
12 whether or not PFC Manning prior to deployment should have a security
13 clearance?

14 A. No, I did not, sir.

15 Q. Did anyone bring up any sort of concern about whether or
16 not PFC Manning should have a security clearance prior to the
17 deployment?

18 A. No, sir.

19 Q. Now, I want to ask you about PFC Manning's duty performance
20 when he was deployed, okay?

21 A. Yes, sir.

22 Q. Now, as you said, he was initially on the night shift?

23 A. Yes, sir.

1 Q. And my understanding was when he was on the night shift,
2 even though you had overall supervision of the Shia team, you didn't
3 have direct supervision of him at that point?

4 A. Not at that point, no, sir.

5 Q. That would have been Specialist Showman initially, right?

6 A. Yes, sir.

7 Q. And then Specialist Padgett?

8 A. Yes, sir.

9 Q. And then later on Sergeant Tau?

10 A. Yes, sir.

11 MJ: Sergeant who?

12 CDC[MR. COOMBS]: Tau. T-A-U?

13 Q. At that point then, did you have any sort of eyes on of
14 what PFC Manning was doing?

15 A. No, not eyes on, no, sir.

16 Q. And you indicated that you would give responsibilities to
17 the night shift, that was one of your jobs?

18 A. Yes, sir.

19 Q. And at that point, just for the night shift, when you
20 weren't directly supervising him, did you have any duty performance
21 problems with Manning on the night shift?

1 A. There were a few times that things didn't get completed,
2 however, it was generally because one of the officers would assign
3 him a task that superseded what I assigned him.

4 Q. In fact, one time when something wasn't done and PFC
5 Manning told you an officer assigned him a task, you went to that
6 officer to verify and, in fact, that was true?

7 A. Yes, sir.

8 Q. So aside from those times, PFC Manning completed his tasks
9 and you got the work product that you expected?

10 A. Yes, sir.

11 Q. Now, let's talk about when you supervised him directly when
12 he was moved to the day shift, okay?

13 A. Yes, sir.

14 Q. Now, based upon your testimony, am I correct that that
15 occurred basically in the February timeframe?

16 A. Yes, sir.

17 Q. Forward?

18 A. Correct.

19 Q. And so at that point when he was under your supervision,
20 what type of duty performer was PFC Manning?

21 A. With regards to his products, his products were often, on a
22 scale of like bad to good, they were on the high end of that scale to
23 very good.

1 Q. Okay. So and I think at one point you even said his
2 products were excellent. Do you recall saying that?

3 A. Yes, he did put together some I would say excellent
4 products.

5 Q. And you even said at one point like you would take a few of
6 his slides, a few of his products and incorporate them into your
7 stuff because they were so good?

8 A. Some of his slides made it into our graphic intelligence
9 summary, when directed by the S-2.

10 Q. Did you ever have any problems with him completing his task
11 when he was under your supervision?

12 A. No, sir.

13 Q. And as far as from your ability to supervise him really
14 from the February timeframe to, I guess the time that he was removed
15 from the SCIF, right?

16 A. Yes, sir.

17 Q. From that timeframe to May, did you ever have any problems
18 with his productivity level? Did it ever drop?

19 A. No, sir.

20 Q. How about his quality of work, did his quality of work ever
21 drop?

22 A. No, sir.

1 Q. Did you ever talk to PFC Manning about his future in the
2 military?

3 A. There was one instance I can remember, he asked what it
4 would take to advance his Army career, like what he needed to do.

5 Q. All right. So he was expressing interest to I guess get
6 promoted or get better in his position?

7 A. Yes, sir.

8 Q. And I guess as a mentor that would be a good conversation
9 to have for him with you?

10 A. Yes, sir.

11 Q. Did you ever talk about politics?

12 A. No, sir.

13 Q. Did you ever talk to him about what he did in his off duty
14 hours?

15 A. Not that I can remember, sir, no.

16 Q. And I know you were his supervisor, you weren't his friend,
17 right?

18 A. No, sir.

19 Q. Did you notice that he had a lot of friends?

20 A. I did not notice, sir.

21 Q. Now, I want to go into a little bit about the T-SCIF
22 operations, okay? Who was primarily responsible for the T-SCIF
23 operations?

1 A. The SCIF itself, sir?

2 Q. Yes.

3 A. It was a combination of Master Sergeant Adkins and
4 Lieutenant Fields.

5 Q. And why were they primarily responsible for the operations
6 of the SCIF?

7 A. At the time Lieutenant Fields was acting as the Special
8 Security Representative and Master Adkins was the NCOIC.

9 Q. And the Special Security Representative, what is that?

10 A. It's the level down from the special security officer at
11 division. It's basically the representation of the division SSO.

12 Q. And my understanding is they basically make sure everything
13 going on in the SCIF is appropriate and proper?

14 A. Yes, sir.

15 Q. And did Master Adkins ever take over that position as the
16 SSR?

17 A. I don't remember, sir.

18 Q. Okay. Now, with regards to the T-SCIF, was it common to
19 see Soldiers playing music in the T-SCIF?

20 A. Yes, sir.

21 Q. And common to see it on their DCGS-A computer?

22 A. Yes, sir.

23 Q. Coming from the T-drive?

1 A. Yes, sir.

2 Q. And the DCGS-A computer and the T-drive were both SIPR
3 level, guess one's a drive, one's a computer; correct?

4 A. That's correct, sir.

5 Q. And it's my understanding music should not be on a DCGS-A
6 computer?

7 A. It was there, sir.

8 Q. I know. But my question is it shouldn't be on there,
9 right?

10 A. I don't know if it was authorized or not.

11 Q. Well, I mean you're the -- I mean you did a lot of briefing
12 on the non-disclosure agreement, do you remember that?

13 A. Yes, sir.

14 Q. And you've had security training and whatnot, correct?

15 A. Yes, sir.

16 Q. So is music supposed to be on a SIPR computer?

17 A. I can't remember if it was authorized in theatre or not.

18 Q. Okay. So we'll break that down then. In garrison was
19 music supposed to be on a SIPR computer?

20 A. I don't think so, sir.

21 Q. And why not?

22 A. Garrison seemed to operate different.

23 Q. Than the deployed environment?

1 A. Yes, sir.

2 Q. And it operated differently because in garrison the rules
3 were much more enforced, correct?

4 A. And different rules for different areas, sir. For example,
5 mIRC could not be on DCGS in garrison; however, it was authorized in
6 theater.

7 Q. When you say authorized, how do you know it was authorized?

8 A. It was from the, our field support engineer, Mr. Millman.

9 Q. And did Mr. Millman always put all mIRC chat on every
10 computer?

11 A. To my knowledge, yes.

12 Q. Did you know that PFC Manning put mIRC chat on a computer?

13 A. I did not, sir.

14 Q. All right. Now, with regards to games, did you see games
15 on computers?

16 A. Games were on the T-drive, yes, sir.

17 Q. And also played on the DCGS-A computer?

18 A. They could be.

19 TC[MAJ FEIN]: Your Honor, objection. Cumulative. Already asked
20 and answered. Games, videos, music, it's already been asked.

21 MJ: All right. Why are we doing this twice?

22 CDC[MR. COOMBS]: I didn't ask the witness about ----

1 MJ: I know you didn't ask this witness, but it's been asked
2 before. What new information are we getting out?

3 CDC[MR. COOMBS]: In this instance if the government wants to
4 concede that music, movies and games were on a DCGS-A computer and
5 also on the T-drive, and I'll get from this witness that games were
6 executable files, then if they want to concede that and stipulate to
7 that, I'm going to move on.

8 MJ: I'm going to overrule the objection. Go ahead.

9 **Questions continued by the civilian defense counsel [MR. COOMBS]:**

10 Q. So were games on the DCGS computers?

11 A. Games were present, yes, sir.

12 Q. And Soldiers were allowed to play those games on those
13 computers?

14 A. Not at all times. They were there and work was low, it
15 became allowed.

16 Q. All right. Now, from your understanding were these types
17 of games supposed to be on a SIPRNET computer?

18 A. They were on the T-drive, sir. I didn't know if they were
19 authorized for our purposes or not.

20 Q. And the games that were there, they were basically
21 something that you would double click and it would start up, correct?

22 A. Yes, sir.

23 Q. And that's an executable file, right?

1 A. I'm still not really all that familiar with the executable
2 file, but ----
3 MJ: Do you know if it's an executable file or not?
4 WIT: I'm not familiar with executable file.
5 Q. Do you know what an executable file is?
6 A. From my understanding, it's like a shortcut. I'm not sure
7 if I'm right or not.
8 MJ: The witness doesn't know, Mr. Coombs. Move on, please.
9 Q. With regard to mIRC chat, how was that on the DCGS-A
10 computers?
11 A. It was installed in the program files.
12 Q. That's your memory, it was installed in the program files?
13 A. If I wanted to get the shortcut, I had to go in there and
14 pull a shortcut out to my desktop.
15 Q. Okay. So from your perspective, mIRC chat was something
16 that was part of the DCGS-A computer baseline programs?
17 A. Not initially. It had to be put on after by Mr. Millman.
18 Q. And that's your testimony?
19 A. Yes, sir.
20 Q. Okay. I want to ask you about those DCGS-A computers.
21 Heat was a problem for the DCGS-A computer, correct?
22 A. Yes, sir.

1 Q. And even if they were in an air conditioned room, heat was
2 a problem for the DCGS?

3 A. Yes, sir.

4 Q. And when these were overheated, they would tend to crash?

5 A. That's correct, sir.

6 Q. And they would crash either because of the heat, and
7 sometimes they'd even crash because of the dust of being in the
8 desert environment?

9 A. Yes, sir.

10 Q. And when the DCGS computers crashed, you would lose
11 information?

12 A. Yes, sir.

13 Q. And so to combat that, Soldiers were instructed to
14 basically save their information in other locations?

15 A. Yes, sir.

16 Q. And a Soldier could save that information on the T-drive?

17 A. That's correct.

18 Q. And if a Soldier wanted to, they could save that
19 information on to a CD?

20 A. Correct.

21 Q. And there was no limitation as to what a Soldier could or
22 could not save on to the T-drive, correct?

23 A. Not that I was aware of, sir.

1 Q. So if I saw something on the SIPRNET and I wanted to put it
2 on the T-drive, I was permitted to do that?

3 A. Yes, sir.

4 Q. Because they were both Secret level, correct?

5 A. Yes, sir.

6 Q. And there's no limitation on what a Soldier could pull from
7 the SIPRNET and put on to a CD?

8 A. Only the size of the CD, sir.

9 Q. Correct. So if I saw something on SIPRNET and I wanted to
10 put it on a CD, I could do that?

11 A. You could, sir.

12 Q. And then I would label it appropriately?

13 A. Yes, sir.

14 Q. Now, you talked about the non-disclosure agreements, and
15 you said -- if I could retrieve Prosecution Exhibit 60 [retrieving PE
16 60 from the court reporter]. You went over the -- I'm showing the
17 witness what's been marked or what is Prosecution Exhibit 60 [handing
18 PE 60 to the witness].

19 You said you went over that with every person who
20 signed it?

21 A. Yes, sir.

1 Q. And you went to paragraph 4 that talks about all the
2 provisions that you could be in trouble for if you violated the non-
3 disclosure agreement?

4 A. Yes, sir.

5 Q. And did you -- do you know what those provisions are?

6 A. I did at the time, but I haven't looked at them in a few
7 years, sir. I had them readily available if needed.

8 Q. But you've signed non-disclosure agreements since you
9 worked there, right?

10 A. Yes, sir.

11 Q. So I imagine you signed something like that?

12 A. Yes, sir.

13 Q. So when you signed it, did you know what those provisions
14 were?

15 A. For some, probably not.

16 Q. Okay. And if you go to the back of that, it says -- I
17 guess it's paragraph 11.

18 A. Yes, sir.

19 Q. It says that all these provisions are now available for you
20 to look at?

21 A. Yes, sir.

22 Q. And how was that done?

23 A. I had them locally on my computer.

1 Q. And did you actually open them up and show them to the
2 Soldiers?

3 A. Nobody ever so chose.

4 Q. Never. Okay. Now, how long did it -- I'll retrieve
5 Prosecution Exhibit 60 from the witness [retrieving PE 60 from the
6 witness and returning it to the court reporter].

7 How long did you go over an NDA agreement typically
8 with a Soldier?

9 A. It generally wasn't very long, sir.

10 Q. Like how much time?

11 A. Maybe less than 10 minutes. Enough time for them to read
12 it and ask any questions and sign the paper, sir.

13 Q. And how often did you get question like a Soldier saying I
14 need to ask a few questions about this?

15 A. Almost never.

16 Q. So they basically just read and signed it?

17 A. Yes, sir.

18 Q. And did you have a Soldier read it out loud to you as they
19 read it?

20 A. No, sir.

21 Q. And you went -- Major Fein had you talk about each of the
22 few sentences you read out loud to us and then you said what you
23 would say, right?

1 A. Yes, sir.

2 Q. Did you do this every time? Did you like go, "I'm going to
3 read this sentence and then here's what I'm going to tell you?"

4 A. Usually I gave the gist at the beginning and the end to
5 make sure they understood the main point, sir.

6 Q. So it wasn't like you read that provision to them and then
7 explained to them what it meant?

8 A. Correct, sir.

9 Q. Major Fein also asked you about a whole bunch of places and
10 whether or not you had a reason to go there. Again, my
11 understanding, if I'm an all-source analyst and it's on the SIPRNET,
12 I can go look at it if I want to, is that right?

13 A. You could, sir.

14 Q. So even if I don't necessarily have a reason but I'm
15 thinking, you know what, I want to see what's going on in
16 Afghanistan, I want to see may if, I don't know, maybe if the enemy
17 is using the same tactics they're using in Iraq. I could go look at
18 CIDNE Afghanistan?

19 A. You could.

20 Q. If I were one of your analysts and you came over my
21 shoulder and I was looking at CIDNE Afghanistan, you wouldn't say,
22 "Oh, wait a second, stop."

23 A. I would ask why you're there and what you're looking for.

1 Q. And if I said, oh, I just want to see if the enemy there is
2 using something similar to what the enemy is using here, I guess you
3 would be okay with that?

4 A. With a good justification, yes.

5 Q. All right. Now, with regards to the GAL -- do you know
6 what the GAL is?

7 A. No, sir.

8 Q. I mean were you asked any reason to go to the GAL. Do you
9 know what you were asked?

10 A. No, sir.

11 Q. So when you said, no, I mean you said no because you didn't
12 know what the GAL was?

13 A. I don't remember being asked about the GAL.

14 MJ: What is a GAL?

15 CDC[MR. COOMBS]: The global address list.

16 MJ: Hang on. Global what?

17 CDC[MR. COOMBS]: Global address list.

18 MJ: Okay.

19 **Questions continued by the civilian defense counsel [MR. COOMBS]:**

20 Q. Do you recall being asked did you have any reason to
21 download the GAL, the global address list?

22 A. Yes.

23 Q. Do you know what that is?

1 A. It's generally, if I'm understanding correctly, it's the
2 address list of email addresses throughout the entire U.S. Army and
3 DOD.

4 Q. Oh, so you think it's for the entire U.S. Army and DoD?

5 A. It's a very big list, sir.

6 Q. Okay. All right. So if I wanted to download all of say --
7 oh, I don't know, the brigade that's deployed with me, their address
8 list, could I do that?

9 A. I'm sure you could. I couldn't begin to tell you how to do
10 it, but I'm sure you could.

11 Q. And if I wanted to do that like maybe export that to Excel
12 or whatnot just with everyone's name and address, and if I could show
13 you I could do that, would you have a problem with that?

14 A. I would again ask the relevance of why whoever was doing
15 it.

16 Q. And if the Internet activity, the SIPRNET was down, would
17 you have access to the global address list?

18 A. No, you would not, sir. That would take the Outlook
19 program down with it.

20 Q. Okay. So if somebody downloaded the address list just to
21 have the address list, didn't do anything with it, from your
22 knowledge, was there any prohibition that was put out not to do that?

23 A. Not to my knowledge, no, sir.

1 Q. The SIGACTs for the CIDNE database in the 2009, 2010
2 timeframe, do you recall that database ever not being available to
3 you as an analyst?

4 A. I don't, sir.

5 Q. Subsequent to PFC Manning leaving the SCIF in May of 2010,
6 did you as an analyst ever not have access to the SIGACTs?

7 TC[MAJ FEIN]: Objection, Your Honor. Relevance.

8 MJ: What is the relevance?

9 CDC[MR. COOMBS]: Relevance, ma'am, would go toward the 641
10 offense, the conversion.

11 MJ: How is that relevant?

12 CDC[MR. COOMBS]: Again, the government has argued either
13 stealing, purloining or knowingly converts. One of the requirements
14 for conversion is that there's been some substantial interference ---
15 -

16 MJ: All right. Overruled.

17 **Questions continued by the civilian defense counsel [MR. COOMBS]:**

18 Q. So with regards to after the May 2010, timeframe, did your
19 unit -- because you said nothing in the 2009 to 2010 timeframe, you
20 were -- you always had access to the CIDNE database, correct?

21 A. When I went there, yes. From what I remember.

22 Q. Anytime while you were in Iraq, did you not have access to
23 the CIDNE database?

1 A. I can't remember a time that I didn't have it.

2 Q. And when did you leave Iraq?

3 A. May 2010 timeframe.

4 Q. Okay. So then after May 2010, as an analyst I guess you
5 probably still had access to CIDNE database?

6 A. If I needed to, I could have requested my account be
7 unlocked at Drum and go to it, but I didn't.

8 Q. Did you ever hear of the CIDNE database not being available
9 to analysts after May of 2010?

10 A. I never heard of it, no, sir.

11 CDC[MR. COOMBS]: Chief Balonek, thank you. I have no further
12 questions.

13 MJ: Redirect?

14 TC[MAJ FEIN]: Yes, ma'am.

15 **REDIRECT EXAMINATION**

16 **Questions by the trial counsel [MAJ FEIN]:**

17 Q. To clarify, Chief Balonek, when earlier I asked was there
18 any reason for an analyst to download the global address list book
19 for Iraq, is there any reason why one of you or your analysts would
20 have done that?

21 A. I can't think of a reason it was necessary, sir.

1 Q. In reference to SIGACTs, you testified a moment ago that
2 there were no true, quote, true HUMINT sources. What were -- explain
3 what a HUMINT source is, please, for the Court.

4 A. Human source is just that, a source of information that
5 would either come in to talk to U.S. forces and provide information
6 on individuals, persons, places, events, and that information would
7 go into a written report and be published to, published to the
8 brigade.

9 Q. Keeping this unclassified, are there different levels of
10 human sources within the United States government?

11 A. Yes, sir.

12 Q. Okay. And in keeping it unclassified, could you just
13 briefly explain how there are different levels of human sources?

14 A. It boils down to the agency that is usually running that
15 source and the information that that source provides.

16 Q. So it depends on the organization that is running a human
17 source?

18 A. In essence, yes.

19 Q. I'm sorry.

20 A. Yes.

21 Q. Are you familiar with the levels of war, strategic,
22 operational?

23 A. Yes, sir.

1 Q. What are the levels of intelligence operations, is it
2 similar?

3 A. Yes, sir. We have operational intel and strategic intel.
4 It's along the same lines.

5 Q. What's the lowest level?

6 A. Lowest level is operational.

7 Q. Operational is the lowest level?

8 A. For us, yes. Or Tactical, if you will.

9 Q. So tactical?

10 A. Yes.

11 Q. So what are the three?

12 A. Tactical, operational, strategic, sir.

13 Q. Does each level of intelligence have human sources?

14 A. Yes, sir.

15 Q. Is a conversation that an infantry man has on the ground
16 with a local national, could that be a human source?

17 A. It could be, sir.

18 Q. And for the SIGACT database, what were the sources or --
19 excuse me, for CIDNE, what were the sources for the HUMINT side of
20 CIDNE?

21 A. They were all categorized by number. They were generally -
22 - I mean you had to actually go in and read some of the source notes

1 to know there's a very redacted version of their background. For the
2 most part they were local national.

3 Q. Okay. And then did SIGACTs also contain information about
4 local nationals?

5 A. Yes, sir.

6 Q. Did the SIGACTs have information about local nationals
7 using codes or their actual names?

8 A. If they were in there for a SIGACT on a casualty, sir, or
9 ----

10 Q. Any type of SIGACT, any of the hundred you said types of
11 SIGACT, could there be local national names?

12 A. Yes, there could be, yes, sir.

13 Q. And did analysts rely on those local national names in
14 SIGACTs depending on the project or task?

15 A. I wouldn't say rely, sir. It was information that was
16 there, if it was needed.

17 Q. And was there other identifying information within SIGACTs?

18 A. Yes, sir.

19 Q. What other type of identifying information of anyone was in
20 there?

21 A. You could have battle roster numbers of U.S. persons that
22 were injured or killed.

1 Q. So for U.S. persons, what type of information are in the
2 SIGACTs?

3 A. Usually their battle roster, which is a combination of
4 initials, it's an alphanumeric code.

5 Q. Were names in SIGACTs at times?

6 A. Yes, sir.

7 Q. What about unit identifiers?

8 A. Yes, sir.

9 Q. What about homes of local nationals, like their residence,
10 where they work?

11 A. They could be, yes, sir.

12 Q. How often did SIPRNET actually go down in your experience
13 in that last deployment?

14 A. Sporadically, maybe between five and ten different times
15 that I can remember.

16 Q. Over the whole deployment or per week?

17 A. Over the whole deployment, sir.

18 Q. And those five or ten sporadic times, how long was it down
19 for?

20 A. It could range from very short, like 30 minutes to an hour
21 to many hours.

22 Q. So what's the longest?

23 A. Three to four hours maybe.

1 Q. Do you remember on your deployment if you ever had a period
2 of time that SIPRNET went down where you needed actionable
3 intelligence at that moment?

4 A. I can't, sir.

5 Q. During the last deployment.

6 A. Yes, sir.

7 Q. Was Private First Class Manning watched or monitored every
8 moment he was in the SCIF?

9 A. No, sir.

10 Q. Why not?

11 A. Because he worked with us. He had that level of trust as a
12 coworker.

13 Q. But he had access to classified information?

14 A. Yes, sir.

15 Q. So why was he not monitored?

16 A. He worked with us, sir. You have to trust the other
17 analyst beside you. It's literally impossible to watch someone 24
18 hours a day, sir, and conduct your own research and analysis.

19 Q. And if you were standing over Private First Class Manning
20 at a SIPRNET DCGS computer and saw him, for instance, remove a CD and
21 take it to his CHU, would you have stopped him?

22 A. Yes, sir.

1 Q. If you had seen him move a detainee assessment onto a CD
2 and move them to his CHU and put them on the Internet, would you have
3 stopped him?

4 A. Yes, sir.

5 Q. If you saw him move over 250,000 Department of State cables
6 to a CD from his SIPRNET DCGS computer, would you have stopped him?

7 A. Yes, sir.

8 Q. Is that something you witnessed?

9 A. No, sir.

10 TC[MAJ FEIN]: Thank you. No further questions, Your Honor.

11 MJ: Briefly.

12 CDC[MR. COOMBS]: Thank you, Your Honor.

13 **REXCROSS-EXAMINATION**

14 **Questions by the civilian defense counsel [MR. COOMBS]:**

15 Q. So if you had seen him put mIRC chat on Specialist
16 Showman's computer, would you have stopped him?

17 A. I would have asked him why he's installing software in the
18 DCGS.

19 Q. And he said, "Well, it's not a problem, I can do this?"

20 A. It still would have had to go through the FSC.

21 Q. So you would have stopped him?

22 A. Yes, sir.

1 Q. So now, with regards to the names in SIGACTs -- okay, when
2 we're talking names in SIGACTs, this is from a low level reporting
3 unit who is writing down a name?

4 A. Yes, sir.

5 Q. And I'm correct, am I not, that there are 50 different ways
6 in the CIDNE database to spell Mohammed?

7 A. There may be even more, sir.

8 Q. And it's not because there are that many different ways to
9 spell Mohammed, correct, it's just because that's how a person typed
10 it into a SIGACT?

11 A. Very possible, sir. But there are many different ways to
12 spell it.

13 Q. I know. That's because people phonetically spell Arabic
14 names, right?

15 A. Correct.

16 Q. And they don't get the full Arabic names?

17 A. Not at all times.

18 Q. So when a Soldier -- ground level Soldier is typing in a
19 name of somebody or putting a name down, this is not like getting an
20 ID from somebody and saying, "Okay, I see that you're, you know, Mr.
21 David Coombs, this is where you live, let me write this down."
22 That's not the type of information you put in a SIGACT, right?

1 A. It depends on the contact, sir. Sometimes when information
2 like that actual identification is found it can go in the SIGACT.

3 Q. But I'm talking about the source. If you're talking to
4 somebody on the ground, you're a unit and you roll into some place
5 and you see an IED happen and you go up to somebody and say, "What
6 happened," and Mohammed Ali Muhat, "Says we saw some bad people here,
7 you need write down Mohammed Ali Muhat," that's how I'm getting the
8 name; is that correct?

9 A. To my knowledge, yes.

10 Q. And you said there are different levels of sources. The
11 sources that you relied on for HUMINT intelligence came from humans,
12 correct?

13 A. Yes, sir.

14 Q. You also said that sometimes the CI would have names of
15 Soldiers that were killed?

16 A. Yes, sir.

17 Q. And unit identifiers?

18 A. Yes, sir.

19 Q. And if a Soldier was killed, am I correct that after their
20 next of kin was notified, PAO would do -- the Public Affairs Office
21 would do a release saying this Soldier from this unit was killed?

22 A. Yes, at some point after, yes, sir.

23 CDC[MR. COOMBS]: Okay. Thank you. No further questions.

1 MJ: Any final redirect?

2 TC[MAJ FEIN]: No, ma'am.

3 MJ: I have a couple of questions for you.

4 **EXAMINATION BY THE COURT-MARTIAL**

5 **Questions by the military judge:**

6 Q. You testified earlier that there would be times I think in
7 your words you used that work was low and people would watch movies
8 and do other things that weren't work-related. If an intelligence
9 analyst rather than watching a movie was interested in politics and
10 wanted to surf the SIPR, if you will, to look at things that weren't
11 pertinent to his job or her job, is there a prohibition against that
12 or not?

13 A. There's not, ma'am.

14 MJ: Any follow-up based on that?

15 TC[MAJ FEIN]: No, ma'am.

16 CDC[MR. COOMBS]: No, Your Honor.

17 MJ: Temporary or permanent excusal.

18 TC[MAJ FEIN]: Temporary excusal.

19 **[The witness was duly warned, temporarily excused and withdrew from**
20 **the courtroom.]**

21 MJ: Are you thinking it's about a good time to have a lunch
22 recess?

23 TC[MAJ FEIN]: Yes, ma'am.

1 MJ: All right. Come back at 1330?

2 TC[MAJ FEIN]: Yes, ma'am.

3 CDC[MR. COOMBS]: Yes, Your Honor.

4 MJ: Anything we need to address before recess?

5 CDC[MR. COOMBS]: No, Your Honor.

6 TC[MAJ FEIN]: No, Your Honor.

7 MJ: Court is in recess.

8 **[The court-martial recessed at 1214, 5 June 2013.]**

9 **[The court-martial was called to order at 1343, 5 June 2013.]**

10 MJ: Court is called to order. Let the record reflect all
11 parties present when the Court last recessed are again present in
12 court.

13 Before we proceed, I just wanted to set for the record,
14 counsel and I met briefly in an R.C.M. 802 conference, a couple of
15 minutes ago counsel reminded me that two of the witnesses here were
16 testifying grant of immunity. One of the witnesses, I just want to
17 set forth for the record, was the last witness who testified and both
18 sides knew about the immunity agreement. Is that correct?

19 TC[MAJ FEIN]: Yes, ma'am.

20 CDC[MR. COOMBS]: And, yes, Your Honor.

21 MJ: And both sides know about all -- both immunity agreements;
22 is that correct?

1 TC[MAJ FEIN]: Yes, Your Honor. There's one still pending, a
2 third.

3 CDC[MR. COOMBS]: Yes, Your Honor.

4 MJ: Government, are you ready to call your next witness?

5 ATC[CPT WHYTE]: The United States calls Chief Warrant Officer 3
6 Hando Hack.

7 CHIEF WARRANT OFFICER 3 HANDO HACK, U.S. Army, was called as a
8 witness for the government, was sworn and testified as follows:

9 DIRECT EXAMINATION

10 Questions by the assistant trial counsel [CPT WHYTE]:

11 Q. And you are Chief Hando Hack?

12 A. I am.

13 Q. Chief, what is your current position?

14 A. I'm an observer, controller, trainer at the Joint
15 Multinational Readiness Center.

16 Q. And where is that located?

17 A. It's in Germany.

18 Q. When are your current -- what are your responsibilities in
19 that position?

20 A. I teach, coach, mentor units that are coming for semi-
21 annual training or getting ready to deploy and then I also enforce
22 the exercise rules.

23 Q. How long have you been in that position?

1 A. Two-and-a-half years.

2 Q. What is your branch, Chief?

3 A. I'm Field artillery.

4 Q. How long have been a chief warrant officer?

5 A. Close to 9 years.

6 Q. What did you do before that?

7 A. I was also field artillery branch, forward observer.

8 Q. Enlisted?

9 A. Enlisted.

10 Q. When did you enlist?

11 A. It was October 1992.

12 Q. What was your MOS when you enlisted?

13 A. Initially it was 13 Romeo which is target acquisition radar

14 operator.

15 Q. How long were you 13 Romeo?

16 A. About 8 years.

17 Q. What happened after those 8 years?

18 A. I reclassified to a 13 Fox, Forward Observer.

19 Q. How long were you at 13 Fox?

20 A. Approximately 4 years.

21 Q. So when did you commission as a warrant officer?

22 A. October 2004.

23 Q. What training did you receive to become a warrant officer?

1 A. Warrant Officer Candidate School initially and the Warrant
2 Officer Basic Course at Fort Sill, Oklahoma.

3 Q. When did you graduate Officer Basic Course?

4 A. It was June of 2005.

5 Q. What was your first assignment out of the basic course?

6 A. Fort Drum, New York.

7 Q. When did you arrive there?

8 A. It was late July/August of 2005.

9 Q. What was your position when you arrived?

10 A. I worked on the Division staff as field artillery
11 intelligence officer.

12 Q. What were your responsibilities in garrison?

13 A. It was primarily attending to professional military
14 education and training.

15 Q. When was your first deployment as a warrant officer?

16 A. I first deployed to Bagram Airbase in February of 2006.

17 Q. What was your position during this deployment?

18 A. I was also a field artillery intelligence officer.

19 Q. How long was this deployment?

20 A. A year.

21 Q. When was your second deployment as a warrant officer?

22 A. It was to Iraq. I was stationed at Camp Victory in 2008.

23 Q. And how long was this deployment?

1 A. Roughly 7 months.

2 Q. Did you redeploy somewhere?

3 A. Yes. One of our Brigades in the 10th Mountain, the 2nd

4 Brigade, 10th Mountain had a vacancy for target analyst and the unit

5 was getting ready to deploy to Afghanistan and I went down to fill

6 that vacancy.

7 Q. So when -- Where did you deploy with 2nd Brigade?

8 A. We deployed to Baghdad, Iraq.

9 Q. To what forward operating base?

10 A. Hammer -- FOB Hammer.

11 Q. How long was this deployment?

12 A. I was there about 7 months.

13 Q. What predeployment training did you receive?

14 A. The brigade went down to JRTC, Fort Polk, Louisiana.

15 Q. What is JRTC?

16 A. It's like JMRC, it's one of the three combat training

17 centers.

18 Q. How do you know PFC Manning?

19 A. When we went to the JRTC, that's the first time I met him.

20 Q. So let's talk a little bit about JRTC. Where did JRTC take

21 place?

22 A. Fort Polk, Louisiana.

23 Q. And do you remember when this was?

1 A. It would have been April 2009.

2 Q. Did PFC Manning attend JRTC with you?

3 A. Yes.

4 Q. The entire period?

5 A. Yes.

6 Q. Where did you work at JRTC?

7 A. I worked in the S-2 SCIF.

8 Q. And where did PFC Manning work?

9 A. He also worked in the SCIF.

10 Q. What sections was he assigned to?

11 A. The S-2.

12 Q. And what cell within the S-2 was he assigned to?

13 A. It's the all-source or fusion cell.

14 Q. What was your mission at JRTC?

15 A. As the target analyst I worked with the S-2 to gather

16 actionable intelligence on high-value targets that we were looking to

17 capture during the exercise.

18 Q. Who are high-value targets?

19 A. High-value targets are individuals from threat groups that

20 are attacking us that I work with the S-2 to do target-value analysis

21 and then we develop target packets on them to facilitate operations.

22 Q. So what happened after JRTC?

1 A. After JRTC, we came back to Fort Drum and went through more
2 pre-deployment prep.

3 Q. Did you deploy to the 2nd Brigade?

4 A. Yes.

5 Q. When did you deploy?

6 A. It was late September of 2009.

7 Q. Was it to FOB Hammer?

8 A. It was to FOB Hammer.

9 Q. Who deployed?

10 A. The entire brigade.

11 Q. To include PFC Manning?

12 A. Yes.

13 Q. So let's talk about your time at FOB Hammer. Do you
14 remember when you arrived at FOB Hammer?

15 A. It was early October.

16 Q. What was your job title at FOB Hammer?

17 A. I was the target analyst.

18 Q. Where did you work?

19 A. I worked in the brigade SCIF.

20 Q. Did PFC Manning work in the SCIF with you?

21 A. He did.

22 Q. What type of analyst was PFC Manning?

1 A. He was very organized. He had very organized documents,
2 things like that.

3 Q. As far as the threat group, what type of analyst was he?

4 A. He was working on the Shia threat groups.

5 Q. At FOB Hammer what was your AO, your area of operation?

6 A. Eastern Baghdad. It extended from Sadr city all the way
7 down the Solomon Peninsula.

8 Q. What role did Shia analysts play with the targeting mission
9 at FOB Hammer?

10 A. They were to provide us with actionable intelligence as
11 they come through intel reports, those would be uploaded into a
12 target folder we maintain on the high-value targets.

13 Q. As a Shia analyst, which high-value targets was PFC Manning
14 responsible for pulling information from?

15 A. We had a high-value target list which contained
16 approximately 25 individuals from the Shia threat group with one that
17 was actually from the Sunni threat group.

18 Q. Could you explain the Shia threat in your AO at the time?

19 A. Pretty much all attacks that were occurring against us were
20 from the Shia threat groups.

21 Q. So let's talk about the targeting mission at FOB Hammer.

22 What was the targeting mission at FOB Hammer?

1 A. The targeting mission was to conduct collaboration with the
2 S-2 section to gather actual intelligence on the individuals we were
3 looking for and then provide that to operation channels to enable
4 capture operations with the Iraqi security forces.

5 Q. You were at the brigade level?

6 A. Yes.

7 Q. Who are high-value targets at the brigade level?

8 A. At the brigade level, a high-value target would be the
9 equivalent of our brigade commander.

10 Q. What did you provide the S-2 section to help you accomplish
11 your mission?

12 A. My high-value target list.

13 Q. Can you explain again just what exactly that was?

14 A. It's an Excel product. It has the picture the individual
15 on there. It has the actionable criteria that we use; it has a brief
16 description, physical description, summary, of the significance of
17 this target.

18 Q. How many high-value targets are on this list?

19 A. There was a total of 25.

20 Q. Was this list updated throughout the deployment?

21 A. I had updated weekly. Whereas we captured individuals I
22 would update it then, but primarily weekly.

23 Q. Did you PFC Manning have you target list?

1 A. He did.

2 Q. How do you know?

3 A. It was stapled on the wall in front of his work station.

4 Q. So just a second ago you said there was action criteria on
5 this?

6 A. Yes.

7 Q. What is what do you mean by action criteria?

8 A. Action criteria is what we use to establish pattern of life
9 for the individual we're looking to capture. So as we become more
10 predictive in the patterns of this individual say on a daily basis,
11 that makes this target more actionable. So that criteria can be
12 measured as red, amber, green and when we get to within say a 75
13 percent threshold of green, then that target becomes actionable as we
14 know within the next 12 to 24 hours where we think this person will
15 be.

16 Q. So why did you provide your target list to the S-2 section?

17 A. I provided that to focus collection. These targets were
18 some legacy targets inherited from the unit before us. They were at
19 about a 50 to 60 percent actionable level. So what I needed was more
20 current information from the intel analyst to bring that criteria up
21 so we can go and capture these individuals.

22 Q. Are you familiar with what databases the intel analyst used
23 to find intelligence on these high-value targets?

1 A. They used a couple of databases. The primary databases was
2 CIDNE.

3 Q. What is stored on CIDNE?

4 A. CIDNE is essentially a repository of all intel reports,
5 SIGACTs, different information inside of the Iraqi theatre of
6 operations.

7 Q. Are you generally familiar with how a SIGACT is created?

8 A. I am.

9 Q. What guidance is provided on what qualifies as a SIGACT?

10 A. The commander establishes what he calls commander's
11 critical intelligence requirements. That's information that the
12 commander needs to make a decision. If a SIGACT occurs that meets
13 that threshold or that criteria then that information needs to be
14 reported up the channels to the brigade commander for him to make a
15 decision on it.

16 Q. Can you explain -- how many SIGACTs have you seen over the
17 course of your career?

18 A. Over the course of my career, easily over 200.

19 Q. Can you explain the general format of a SIGACT?

20 A. The general format is it answers the five Ws: the who did
21 this happen to, where was it located, how it happened, things like
22 that.

1 Q. And what type of intelligence on high-value targets were
2 important to the targeting a mission?

3 A. Information intel reports in particular that were tied to
4 any type of SIGACT that occurred that would be information that I
5 would like to have so that if it was a target that we were trying to
6 locate and I already had a target folder then I could update that
7 target folder with that information and potentially change the
8 actionable criteria.

9 Q. Target folder. What is a target folder?

10 A. Every high-value target we have what's called a target
11 folder. It's a PowerPoint document that contains approximately four
12 to five slides, has all the biometric data that we have available,
13 contains the significant reporting, the summary of reporting. We
14 maintain them on every high-value target that we're looking for.

15 Q. Is this where -- this is where the intelligence is stored?

16 A. Yes.

17 Q. For the high-value targets?

18 A. Anything tied to one of those high-value targets is up
19 loaded into that target folder.

20 Q. What did you do with that targeting list after all the
21 actionable criteria been met?

22 A. That information was passed by me to the operations channel
23 of the brigade S-3, and that would be passed down and coordinated

1 with whatever unit was on the ground where they are going to conduct
2 the CONOP.

3 Q. How would you describe your role between the S-2 section,
4 intelligence and the S-3 section operations?

5 A. I'm essentially the bridge between the S-2 and the S-3 to
6 facilitate actionable information on targets and target folders over
7 to the operation side so that we can put together our operations to
8 go and capture these high-value targets.

9 Q. Chief, let's talk about PFC Manning as a 35 Fox. Are you
10 aware of any strengths of PFC Manning as an intel analyst?

11 A. As I said, earlier his ability to organize.

12 Q. How do you know he was good at organizing?

13 A. For about the first 30 days everybody in the unit is pretty
14 much getting in their battalion rhythm and processes. So after about
15 6 weeks into it, I started to kind of push for more collection on
16 high-value targets list going on the T-drive, which is available to
17 all of us that had access to it, I could go and take a look at the
18 working folders of the intel analyst and see what they've been
19 working on.

20 Q. Did you go in PFC Manning's folder?

21 A. I did.

22 Q. What did you find?

1 A. I there were several directories and subdirectories and
2 inside of each one of these were intel reports, SIGACTs, things that
3 were tied to first the geographical locations peninsula. Then they
4 were tied to an enemy threat group that we were looking for. It very
5 neatly organized, very categorized.

6 Q. So can you just explain, I guess, how these were
7 categorized? When you opened up his folder, how were they
8 categorized?

9 A. It was first alphabetically. If it was an IIR or a DIIR,
10 then if it was -- if it was a SIGACT then it was by numerical or by
11 date.

12 Q. Did he have subfolders within?

13 A. He did.

14 Q. What are some of those?

15 A. It was the subfolder would be the threat group itself.
16 First it would be a folder that would be say Qatar Peninsula itself
17 and underneath that there would be one or two on subfolders that
18 would have the groups that are in that geographical location.

19 Q. How much information was contained in his folders?

20 A. I didn't look at all of them. I would say the one folder
21 that I looked at in particular there was anywhere from 25 to 30 intel
22 reports that were in there.

1 Q. An unclassified setting, what folder did you look in and
2 what did you find?

3 A. It was the one of the threat groups in the Qatar Peninsula,
4 in particular that had individuals that was on the high-value target
5 list. I was looking in that folder in particular to see if any of
6 these reports were tied to any high-value targets that we had on our
7 list that we were looking for.

8 Q. You said you've been in the military for 20-plus years?

9 A. Twenty years.

10 Q. And in your career have you ever seen a Soldier as
11 organized and cataloged as PFC Manning?

12 A. I've seen a lot of organized Soldiers, but not that level
13 of detail with the type of information that he had in those folders.
14 I just never seen an analyst that kept that much reports.

15 Q. What did you do after seeing PFC Manning's catalog folder?

16 A. When we came on shift the next day, I asked PFC Manning at
17 the time, I said, "Take a look at the high-value target list. I'd
18 like you to find some information for me on these high-value
19 targets."

20 Q. What did PFC Manning do in response?

21 A. The next day he -- during shift change he -- we were sitting
22 down and he said, "Chief, I sent you a report that I found," and he
23 sent me an e-mail.

1 Q. Do you remember getting this email?
2 A. I do.
3 Q. Do you remember about what time frame this was in the
4 deployment?
5 A. Early January.
6 Q. And on what network was this email sent?
7 A. It was the SIPRNET.
8 Q. And, again, in unclassified terms, can you explain what
9 this email generally consisted of?
10 A. It was I think a one sentence summary that Manning had put
11 on there. It was a report that had been pulled off of the CIDNE
12 database. It was a SIGACT and it also contained a S-2 assessment of
13 the event. This information was already over 2 years old from the
14 time that we had arrived and the assessment was from the previous
15 unit that we had replaced, and the assessment piece was that the name
16 of one of the high-value targets that we had on our list currently.
17 Q. How do you know it was a SIGACT?
18 A. Just from the format. The unit -- you know, it answered
19 the five Ws, but it was more a refined SIGACT with actual S-2
20 assessment attached to it.
21 ATC[CPT WHYTE]: Let the record reflect I'm retrieving
22 Prosecution Exhibit 58 for Identification [retrieving PE 58 for ID].

1 Chief Hack, at this point if I could have you just move
2 over to the panel box.

3 [The witness exited the witness stand and moved to the panel box.]

4 ATC[CPT WHYTE]: Let the record reflect I'm handing the
5 witness what's been marked as Prosecution Exhibit -- actually, can
6 you hold that in your lap while you're reviewing it?

7 WIT: Sure. No problem.

8 ATC[CPT WHYTE]: Let the record reflect that I've handed the
9 witness Prosecution Exhibit 58 for Identification [handing PE 58 for
10 ID to the witness].

11 **Questions continued by the assistant trial counsel [CPT WHYTE]:**

12 Q. Chief Hack, please look over that document and let me know
13 when you're finished?

14 [The witness reviewed the document.]

15 A. Okay.

16 Q. Chief, during the next couple of questions, if I ask you a
17 question and you feel the need to illicit classified information in
18 response, please let me know.

19 A. Okay.

20 Q. Chief, what is this document?

21 A. It's an email I received from Manning.

22 Q. How do you know this is the email you received from
23 Manning?

1 A. The header it has standard "to" and "from." It's from him,
2 it's to me. It's got the one sentence summary. It contains a CIDNE
3 report.

4 MJ: Just a moment. Yes.

5 CDC[MR. COOMBS]: Your Honor, we would stipulate that this is
6 an email from PFC Manning to Chief Hack. If there are questions on
7 the email and counsel needs to do that ----

8 MJ: So you've got no objections to its admissibility?

9 CDC[MR. COOMBS]: No objections, Your Honor.

10 MJ: All right.

11 ATC[CPT WHYTE]: Okay. So at this time the United States
12 offers it into evidence.

13 MJ: All right. Let me see it.

14 ATC[CPT WHYTE]: I'm retrieving Prosecution Exhibit 58 for
15 Identification from the witness [retrieving PE 58 for ID from the
16 witness and handing to the military judge.]

17 MJ: Prosecution Exhibit 58 for Identification is admitted. Is
18 it marked?

19 [The witness resumed his seat at the witness stand.]

20 **Questions continued by the assistant trial counsel [CPT WHYTE]:**

21 Q. Chief Hack, what was the classification level of this
22 email?

23 A. It was a Secret.

1 Q. How do you know that was Secret?

2 A. It had the Secret caveat in the email itself.

3 Q. Are you familiar with how someone classifies an e-mail on

4 SIPRNET?

5 A. Yes.

6 Q. Can you explain that?

7 A. Microsoft Outlook that's used on the SIPRNET, before you

8 can send an email to somebody else, you first have to -- it prompts

9 you to classify the information. After you classify it, then you

10 have to also attach a caveat to that information.

11 Q. And, again, can you just explain what this -- in general

12 unclassified terms what this SIGACT was?

13 A. It was a IED attack that had occurred a unit that was in

14 the same area of operations that we now had. It had occurred over 2

15 years prior to us arriving, but the information described the type of

16 attack, the weapon system that was used, any time of damage,

17 equipment, things like that, and at the end it had the S-2 assessment

18 of the event itself.

19 Q. What did the target have to do with targeting?

20 A. It contained the name -- the S-2 assessment itself

21 contained the name of the one of the high-value targets that

22 currently looking for that was on the list.

1 Q. You said you received an email in January and you arrived
2 in October?

3 A. Correct.

4 Q. During this time how much information did PFC Manning give
5 you on high-value targets?

6 A. None.

7 Q. How many Shia high-value targets were on the targeting
8 list?

9 A. Approximately 23 out of 25.

10 Q. So can you explain how important a Shia analyst is to the
11 targeting mission?

12 A. The Shia analysts are very important given the fact that
13 just about all attacks that are occurring on our units in Eastern
14 Baghdad were by the Shia threat group. We had hardly any Sunni
15 threat group attacks on our forces in Eastern Baghdad.

16 Q. Chief, do you remember when you went on R and R?

17 A. It was about mid-February of 2010.

18 Q. What happened when you were on R and R?

19 A. I remember I was watching the Winter Olympics at that time.
20 After we got done watching a hockey match, ABC news came on. Their
21 lead story was a video of Apaches flying around in Baghdad that had
22 been shooting at civilians as they described it.

23 Q. How did you react to this video?

1 A. I'd seen the video before. I was surprised now to see it
2 on ABC news.

3 Q. When did you first see this video?

4 A. I would have been probably late December of 2009.

5 Q. And where did you see this video?

6 A. It was on our T-drive.

7 Q. And that's on the SIPRNET?

8 A. Yes.

9 ATC[CPT WHYTE]: We have no more questions, Your Honor.

10 MJ: Okay.

11 **CROSS-EXAMINATION**

12 **Questions by the civilian defense counsel [MR. COOMBS]:**

13 Q. Chief Hack, how are you?

14 A. Good. Might have some jet lag, that's about it.

15 Q. I understand.

16 A. Just a few questions for you. In late October Specialist
17 Showman was assigned to work for you in targeting; is that correct?

18 A. She was.

19 Q. Now, that was because you could not accomplish everything
20 that you needed to get done by yourself?

21 A. Correct.

22 Q. Now, you basically needed help in targeting?

23 A. Yes. It was not a one-man operation.

1 Q. And you had limited interaction with PFC Manning; is that
2 correct?

3 A. That's correct.

4 Q. The majority of the deployment you saw PFC Manning for
5 about 15 minutes a day?

6 A. Yes.

7 Q. That was because you worked on the day shift and PFC
8 Manning worked on the night shift?

9 A. Correct.

10 Q. And even though your desks were next to each other, other
11 than the 15 minutes a day -- well, actually your desks were next to
12 each other, right?

13 A. Yes.

14 Q. That 15 minutes a day was basically during the shift
15 change?

16 A. Correct.

17 Q. And that was pretty the extent of your interaction with PFC
18 Manning?

19 A. Yes.

20 Q. And you were not part of the S-2 section, correct?

21 A. No.

22 Q. You worked in the targeting section?

1 A. I did. It's one of the peripheral sections not actually on
2 an MTOE of the S-2 section.

3 Q. And would you agree with me that the S-2 section was
4 responsible for getting information to you?

5 A. Yes.

6 Q. You had used the information that they gave to you for your
7 high-value target list?

8 A. Yes, I would.

9 Q. You basically kind of viewed yourself as a customer that
10 needed information from the S-2 section to do your job?

11 A. That's correct.

12 Q. And the S-2 section did not do a good job of giving you
13 information?

14 A. We did not receive a lot of information from the S-2
15 section. It was more of a pull versus a push when it came to getting
16 information out of the S-2.

17 Q. And that problem really was a problem with the S-2 section
18 as a whole, correct?

19 A. I could say, yes. It was not just one section; it was
20 pretty much all sections within the S-2, SCIF that I needed
21 information from and we weren't getting a whole lot.

1 Q. And, as you said, you kind of viewed yourselves as a
2 customer that should be getting information pushed to you, but you
3 had to pull for that information?

4 A. That's correct.

5 Q. You had problems with then Staff Sergeant Balonek giving
6 you information too, didn't you?

7 A. He was the other Shia analyst, and we also were not
8 receiving a lot of information back.

9 Q. And you had problems with CW2 Ehresman giving you
10 information too?

11 A. He was essentially the shop foreman and was not pushing the
12 analysts to support targeting.

13 Q. You were trying to pull that information from the S-2
14 section and even that you were trying to do it, they never were
15 really giving you that information, they never really pushed that
16 information to you?

17 A. We had whether the exception of the S-2 acquisition, which
18 is the HUMINT cell, yes, I had to pretty much pull all of the
19 information I needed from the other sections that were in there.

20 Q. And that was a source of frustration for you?

21 A. Yes.

22 Q. That frustration applied to all analysts in the in the S-2
23 SCIF or S-2 section?

1 A. I would say that yes, it was more of a frustration with the
2 leadership not pushing the analysts to support targeting.

3 Q. And that frustration also applied to the HUMINT and the
4 SIGACT sections of the S-2 section as well?

5 A. Not so much the HUMINT, but the SIGACT section, yes.

6 Q. So I guess certainly frustration certainly was not limited
7 to PFC Manning?

8 A. No.

9 Q. And PFC Manning wasn't your end all be all for getting
10 information from the S-2 section, was he?

11 A. No, he was not.

12 Q. Towards the end of the December time frame you started
13 going around to the S-2 section and basically kind of pointing the
14 finger in there saying, "Get me some information?"

15 A. I went around to each section and reiterated the importance
16 of high-value target list that that document was provided to them to
17 focus their collect action so that I could get more intelligence that
18 I was looking for to operating these high-value targets.

19 Q. And even though you did that, things really didn't improve,
20 did they?

21 A. They did not.

22 ATC[CPT WHYTE]: Objection. What's the relevance of this
23 line of questions?

1 MJ: What's the relevance?

2 CDC[MR. COOMBS]: Relevance is I believe that the government
3 in their direct tried to portray PFC Manning as failing in providing
4 information to Chief Hack for high-value targets.

5 MJ: That's what your using to rebut -- that's what the
6 government did.

7 ATC[CPT WHYTE]: Excuse me, Your Honor?

8 MJ: Was part of the intent of the government's direct to show
9 what Mr. Coombs just said that PFC Manning was failing to provide
10 reports.

11 ATC[CPT WHYTE]: Not entirely, Your Honor, no.

12 MJ: But some of it?

13 ATC[CPT WHYTE]: Some of it, yes.

14 MJ: Overruled.

15 **Questions continued by the assistant trial counsel [CPT WHYTE]:**

16 Q. So shortly after this you decided that you would take
17 matters into your own hands; is that correct?

18 A. Myself and my assistant at the time, Specialist Showman. We
19 took it upon ourselves to do the job of the intel analysts by culling
20 reports and things like that to get the information we needed.

21 Q. So instead of relying on the intel analyst in the S-2
22 section you and Specialist Showman started to do the work yourself?

23 A. That's correct.

1 Q. And you understand -- I guess you're understanding what the
2 analysts are supposed to be doing was to be combing through the
3 SIGACTs, pulling the HUMINT and SIGACT reports and finding
4 information on the kind of the high-value targets, the so what, and
5 then giving that to you?

6 A. Yes.

7 Q. You didn't want them to flood you with a whole bunch of
8 irrelevant data; is that right?

9 A. No, we did not. It was a two-man, two-person section.

10 Q. However, the way the S-2 section seemed to be seeing itself
11 as supporting you was basically saying, "Here you go, Chief, here's
12 12 reports?"

13 A. They wouldn't send them to me, they would go to Specialist
14 Showman and it was essentially just intel reports either forwarded or
15 not necessarily correlated to any high-value targets we were looking
16 for.

17 Q. And there was no in-depth analysis behind the reporting
18 that they were sending you?

19 A. No.

20 Q. Kind of like the document that Colonel Lind is looking at,
21 the one the government just introduced into evidence, the email you
22 got from PFC Manning, that was kind of the example of what you recall
23 getting back, just kind of like here's a document, you figure it out.

1 A. That document in particular had the name of one of the
2 high-value targets we were looking for, but a lot of information we
3 were getting forwarded to us was not even relevant to any high-value
4 targets we were looking for.

5 Q. So PFC Manning's documents sent to you at least had some
6 relevance?

7 A. It did have a name of the individual we were looking for.
8 The only problem was that it was dated material, over 2 years before
9 we even showed up in the Eastern Baghdad area.

10 Q. With regards to PFC Manning, you viewed him as a junior
11 analyst, did you not?

12 A. I did.

13 Q. So you wouldn't be surprised if he wasn't great at giving
14 you kind of the so what?

15 A. I would not.

16 Q. At one point -- well the person you would be surprised at
17 not getting you that would be Staff Sergeant Balonek?

18 A. That's correct.

19 Q. You would expect that he would be giving you the
20 information that you wanted?

21 A. Correct.

22 Q. And at one point you went to Captain Martin, who was then
23 the assistant S-2 and complained?

1 A. I went to her and I said, you know that the targeting
2 effort here is just not being supported. So I asked her to help me
3 out talking to the section chiefs to get the analysts to push us more
4 relevant information, not just send us reports from wherever they're
5 getting them from.

6 Q. But the problem again really never improved?

7 A. It did not.

8 MJ: Mr. Coombs, could I ask something here. This isn't a
9 dereliction of duty case. I got your point. Do we need to continue
10 down this road?

11 CDC[MR. COOMBS]: Just to ensure that one of the government's
12 arguments ma'am, is somehow that PFC Manning was derelict in his
13 duties because he was somehow working for WikiLeaks instead of doing
14 what he's supported to be during. That's why they elicited from this
15 witness how organized he was, but how little information. So I
16 wanted to get the point that it wasn't just PFC Manning.

17 MJ: I got it.

18 [Examination of the witness continued.]

19 Q. Now, I wanted to talk about that organization that you -- I
20 guess the organizational skills that you of saw PFC Manning on the T
21 drive. Okay?

22 A. Okay.

1 Q. Now, the T-drive was a drive that everyone could have
2 access to?

3 A. Everybody that had SIPRNET access could access the T-drive.

4 Q. And the whole point, I guess, of the T-drive was you could
5 put information in there so that other people could get to it?

6 A. Yes, it's a collaborative.

7 Q. And everyone knew that that was a shared t drive and
8 everyone could look at what was on the T-drive?

9 A. Yes.

10 Q. So if you put stuff on the T-drive, the point was then
11 other people could go to your stuff and use it as well?

12 A. Yes.

13 Q. You said you went and you saw the organizational skills of
14 PFC Manning and that you said that that was very organized; is that
15 correct?

16 A. Yes. I was interested to see what he had been working on
17 on the night shift since we only had 15 minutes of interaction each
18 day. So I went in there, I took a look at what was in the folders and
19 the subfolder and I was impressed of the organizational and the
20 structure and the information that was in them.

21 Q. Would it be fair to say that it would take quite a bit of
22 time to do what you see PFC Manning do?

23 A. Yes.

1 Q. So that would be -- well, you also looked at I believe
2 Staff Sergeant Balonek's folder too on the T-drive?
3 A. I did.
4 Q. Did you see similar organization there?
5 A. No. Not even close.
6 Q. So at least from the two PFC Manning seemed to be doing a
7 lot more work on the T-drive?
8 A. He did.
9 Q. With regards to getting information to you, could you order
10 PFC Manning to do something and get you information?
11 A. I was not in the chain of command. I could, if necessary,
12 but I didn't see that as necessary for me to do that. I would go
13 through the chain of command to get something fixed.
14 Q. And as far as supporting you then that would be the S-2
15 chain of command priority to do that or not?
16 A. Yes.
17 Q. Did there come a time when you left the SCIF and you moved
18 out of the SCIF?
19 A. I moved out of the SCIF in late March of 2010.
20 Q. Where did you go to then?
21 A. Pretty much across the hallway back to the fire cell that I
22 belonged to.
23 Q. What was your job at that point in time?

INSTRUCTIONS FOR PREPARING AND ARRANGING RECORD OF TRIAL

USE OF FORM - Use this form and MCM, 1984, Appendix 14, will be used by the trial counsel and the reporter as a guide to the preparation of the record of trial in general and special court-martial cases in which a verbatim record is prepared. Air Force uses this form and departmental instructions as a guide to the preparation of the record of trial in general and special court-martial cases in which a summarized record is authorized.

Army and Navy use DD Form 491 for records of trial in general and special court-martial cases in which a summarized record is authorized. Inapplicable words of the printed text will be deleted.

COPIES - See MCM, 1984, RCM 1103(g). The convening authority may direct the preparation of additional copies.

ARRANGEMENT - When forwarded to the appropriate Judge Advocate General or for judge advocate review pursuant to Article 64(a), the record will be arranged and bound with allied papers in the sequence indicated below. Trial counsel is responsible for arranging the record as indicated, except that items 6, 7, and 15e will be inserted by the convening or reviewing authority, as appropriate, and items 10 and 14 will be inserted by either trial counsel or the convening or reviewing authority, whichever has custody of them.

1. Front cover and inside front cover (chronology sheet) of DD Form 490.

2. Judge advocate's review pursuant to Article 64(a), if any.

3. Request of accused for appellate defense counsel, or waiver/withdrawal of appellate rights, if applicable.

4. Briefs of counsel submitted after trial, if any (Article 38(c)).

5. DD Form 494, "Court-Martial Data Sheet."

6. Court-martial orders promulgating the result of trial as to each accused, in 10 copies when the record is verbatim and in 4 copies when it is summarized.

7. When required, signed recommendation of staff judge advocate or legal officer, in duplicate, together with all clemency papers, including clemency recommendations by court members.

8. Matters submitted by the accused pursuant to Article 60 (MCM, 1984, RCM 1105).

9. DD Form 458, "Charge Sheet" (unless included at the point of arraignment in the record).

10. Congressional inquiries and replies, if any.

11. DD Form 457, "Investigating Officer's Report," pursuant to Article 32, if such investigation was conducted, followed by any other papers which accompanied the charges when referred for trial, unless included in the record of trial proper.

12. Advice of staff judge advocate or legal officer, when prepared pursuant to Article 34 or otherwise.

13. Requests by counsel and action of the convening authority taken thereon (e.g., requests concerning delay, witnesses and depositions).

14. Records of former trials.

15. Record of trial in the following order:

a. Errata sheet, if any.

b. Index sheet with reverse side containing receipt of accused or defense counsel for copy of record or certificate in lieu of receipt.

c. Record of proceedings in court, including Article 39(a) sessions, if any.

d. Authentication sheet, followed by certificate of correction, if any.

e. Action of convening authority and, if appropriate, action of officer exercising general court-martial jurisdiction.

f. Exhibits admitted in evidence.

g. Exhibits not received in evidence. The page of the record of trial where each exhibit was offered and rejected will be noted on the front of each exhibit.

h. Appellate exhibits, such as proposed instructions, written offers of proof or preliminary evidence (real or documentary), and briefs of counsel submitted at trial.